

ORDINANCE NUMBER O- 20081 (NEW SERIES) (A)DATE OF FINAL PASSAGE AUG 4 2011

AN ORDINANCE AMENDING CHAPTER 9, ARTICLE 8, DIVISION 7 OF THE SAN DIEGO MUNICIPAL CODE BY AMENDING SECTION 98.0720; AMENDING CHAPTER 11, ARTICLE 2, DIVISION 1 BY AMENDING SECTION 112.0102; AMENDING CHAPTER 11, ARTICLE 2, DIVISION 3 BY AMENDING SECTIONS 112.0301 AND 112.0302; AMENDING CHAPTER 11, ARTICLE 2, DIVISION 5 BY AMENDING SECTIONS 112.0504 AND 112.0520; AMENDING CHAPTER 11, ARTICLE 3, DIVISION 1 BY AMENDING SECTION 113.0103; AMENDING CHAPTER 11, ARTICLE 3, DIVISION 2 BY AMENDING SECTIONS 113.0234, 113.0246, 113.0249, 113.0252, 113.0255, 113.0258 AND RENUMBERING DIAGRAM 113-02DD TO 113-02EE, BY AMENDING SECTION 113.0261 AND RENUMBERING DIAGRAM 113-02EE TO 113.02FF, BY AMENDING SECTION 113.0264 AND RENUMBERING DIAGRAMS 113-02FF TO 113-02GG AND 113-02GG TO 113-02HH, BY AMENDING SECTION 113.0267 AND RENUMBERING DIAGRAM 113-02HH TO 113-02II, BY AMENDING SECTION 113.0270 AND RENUMBERING DIAGRAMS 113-02II TO 113-02JJ, DIAGRAM 113-02JJ TO 113-02KK, DIAGRAM 113-02KK TO 113-02LL, DIAGRAM 113-02LL TO 113-02MM, DIAGRAM 113-02MM TO 113-02NN, DIAGRAM 113-02NN TO 113-02OO, DIAGRAM 113-02OO TO 113-02PP, DIAGRAM 113-02PP TO 113-02QQ, AND DIAGRAM 113-02QQ TO 113-02RR; BY AMENDING SECTION 113.0273 AND RENUMBERING DIAGRAM 113-02RR TO 113-02SS, AND BY AMENDING SECTION 113.0276 AND RENUMBERING DIAGRAM 113-02SS TO 113-02TT; AMENDING CHAPTER 12, ARTICLE 5, DIVISION 1 BY RENUMBERING SECTION 125.0121 TO SECTION 125.0122, BY ADDING A NEW SECTION 125.0121, BY RENUMBERING SECTION 125.0122 TO 125.0123, AND BY ADDING NEW SECTIONS 125.0124 AND 125.0150; AMENDING CHAPTER 12, ARTICLE 5, DIVISION 3 BY AMENDING SECTION 125.0310; AMENDING CHAPTER 12, ARTICLE 5, DIVISION 4 BY AMENDING SECTIONS 125.0420, 125.0431, 125.0440, AND 125.0461; AMENDING CHAPTER 12, ARTICLE 5, DIVISION 9 BY AMENDING SECTIONS 125.0910, 125.0940, 125.0941, AND 125.0950; AMENDING CHAPTER 12, ARTICLE 5, DIVISION 10 BY AMENDING SECTIONS 125.1001, 125.1010, 125.1020, 125.1030, 125.1040, AND 125.1050; AMENDING CHAPTER 12,

ARTICLE 6, DIVISION 1 BY AMENDING SECTIONS 126.0111, 126.0113, AND BY ADDING A NEW SECTION 126.0115; AMENDING CHAPTER 12, ARTICLE 6, DIVISION 2 BY AMENDING SECTIONS 126.0203 AND 126.0205; AMENDING CHAPTER 12, ARTICLE 6, DIVISION 3 BY AMENDING SECTIONS 126.0303 AND 126.0305; AMENDING CHAPTER 12, ARTICLE 6, DIVISION 4 BY AMENDING SECTION 126.0404; AMENDING CHAPTER 12, ARTICLE 6 DIVISION 5 BY AMENDING SECTIONS 126.0502 AND 126.0504; AMENDING CHAPTER 12, ARTICLE 6, DIVISION 6 BY AMENDING SECTIONS 126.0602 AND 126.0604; AMENDING CHAPTER 12, ARTICLE 6, DIVISION 7 BY AMENDING SECTION 126.0708; AMENDING CHAPTER 12, ARTICLE 9, DIVISION 1 BY AMENDING SECTION 129.0119; AMENDING CHAPTER 12, ARTICLE 9, DIVISION 2 BY AMENDING SECTIONS 129.0203 AND 129.0218; AMENDING CHAPTER 12, ARTICLE 9, DIVISION 6 BY AMENDING SECTIONS 129.0643 AND 129.0650; AMENDING CHAPTER 12, ARTICLE 9, DIVISION 7 BY AMENDING SECTIONS 129.0710, 129.0744 AND 129.0750; AMENDING CHAPTER 13, ARTICLE 1, DIVISION 1 BY AMENDING SECTION 131.0112 AND BY ADDING A NEW SECTION 131.0145; AMENDING CHAPTER 13, ARTICLE 1, DIVISION 2 BY AMENDING SECTION 131.0222; AMENDING CHAPTER 13, ARTICLE 1, DIVISION 3 BY AMENDING SECTION 131.0322; AMENDING CHAPTER 13, ARTICLE 1, DIVISION 4 BY AMENDING SECTIONS 131.0422, 131.0431, 131.0443, 131.0446, 131.0448, AND 131.0461 AND BY RENUMBERING DIAGRAM 131-04S TO 131-04T, DIAGRAM 131-04T TO 131-04U, DIAGRAM 131-04U TO 131-04V, AND DIAGRAM 131-04V TO 131-04W AND DELETING DIAGRAM 131-04K; AMENDING CHAPTER 13, ARTICLE 1, DIVISION 5 BY AMENDING SECTIONS 131.0522, 131.0531, AND 131.0543; AMENDING CHAPTER 13, ARTICLE 1, DIVISION 6 BY AMENDING SECTIONS 131.0622, 131.0631, AND DELETING SECTION 131.0660 AND DIAGRAM 131-06C; AMENDING CHAPTER 13, ARTICLE 2, DIVISION 14 BY AMENDING SECTION 132.1402; AMENDING CHAPTER 14, ARTICLE 1, DIVISION 3 BY AMENDING SECTIONS 141.0302, 141.0304, AND 141.0306; AMENDING CHAPTER 14, ARTICLE I, DIVISION 4 BY AMENDING SECTIONS 141.0404 AND 141.0407; AMENDING CHAPTER 14, ARTICLE 1, DIVISION 6 BY AMENDING SECTIONS 141.0604, 141.0613, 141.0617, 141.0625, AND REPEALING SECTION 141.0612; AMENDING CHAPTER 14, ARTICLE 1, DIVISION 11 BY AMENDING SECTION 141.1103; AMENDING CHAPTER 14, ARTICLE 2, DIVISION 4 BY AMENDING SECTIONS 142.0402 AND 142.0412;

AMENDING CHAPTER 14, ARTICLE 2, DIVISION 5 BY AMENDING SECTIONS 142.0510, 142.0530, AND 142.0560; AMENDING CHAPTER 14, ARTICLE 2, DIVISION 6 BY AMENDING SECTION 142.0650; AMENDING CHAPTER 14, ARTICLE 2, DIVISION 10 BY AMENDING SECTION 142.1030; AMENDING CHAPTER 14, ARTICLE 2, DIVISION 12 BY AMENDING SECTIONS 142.1205, 142.1215, AND 142.1260; AMENDING CHAPTER 14, ARTICLE 3, DIVISION 1 BY AMENDING SECTION 143.0110, 143.0126, 143.0142, AND 143.0146; AMENDING CHAPTER 14, ARTICLE 3, DIVISION 2 BY AMENDING SECTION 143.0212; AMENDING CHAPTER 14, ARTICLE 3, DIVISION 4 BY AMENDING SECTION 143.0402; AMENDING CHAPTER 14, ARTICLE 4, DIVISION 3 BY ADDING NEW SECTION 144.0350; AMENDING CHAPTER 15, ARTICLE 1, DIVISION 1 BY AMENDING SECTION 151.0103; AMENDING CHAPTER 15, ARTICLE 1, DIVISION 2 BY AMENDING SECTIONS 151.0201, 151.0202 AND REPEALING SECTION 151.0203; AMENDING CHAPTER 15, ARTICLE 1, DIVISION 4 BY AMENDING SECTION 151.0401; AMENDING CHAPTER 15, ARTICLE 3, DIVISION 1 BY AMENDING SECTION 153.0103; AMENDING CHAPTER 15, ARTICLE 9, DIVISION 3 BY AMENDING SECTION 159.0307; AMENDING CHAPTER 15, ARTICLE 10, DIVISION 1 BY AMENDING SECTION 1510.0107; AMENDING CHAPTER 15, ARTICLE 10, DIVISION 3 BY AMENDING SECTIONS 1510.0303 AND 1510.0309; AMENDING CHAPTER 15, ARTICLE 12, DIVISION 3 BY AMENDING SECTION 1512.0303; AMENDING CHAPTER 15, ARTICLE 16, DIVISION 3 BY AMENDING SECTION 1516.0302; BY AMENDING CHAPTER 15, ARTICLE 19, DIVISION 2 BY AMENDING SECTIONS 1519.0202, 1519.0205 AND APPENDIX C.1; ALL RELATED TO THE 7TH UPDATE TO THE LAND DEVELOPMENT CODE.

WHEREAS, the 7th update to the Land Development Code (LDC) is part of the code monitoring program directed by the Mayor and City Council as part of the adoption of the LDC effective January 2000; and

WHEREAS, the goal of the code update is to simplify the land development regulations; make the land development regulations more objective; make the code more adaptable; eliminate

redundancies; and increase predictability in the application of the land development regulations; and

WHEREAS, there are a total of sixty five issues included in the 7th update, that are divided into five issue categories including Permit Process, Measurement, Landscape, Parking, and Minor Corrections; and

WHEREAS, staff has conducted extensive public outreach and analysis involving multiple stakeholder groups, City departments, and other governmental agencies; and

WHEREAS, the code update process is an extensive public process that typically involves input from the Code Monitoring Team, Community Planners Committee, Technical Advisory Committee, Planning Commission, City Council, and California Coastal Commission, and more recently the San Diego County Regional Airport Authority; and

WHEREAS, the update mainly addresses various stages within the permit process (i.e. applications, noticing, findings for approval, appeal, and permit expiration); and proposes to lower the permit process level for various types of development and remove unnecessary processing obstacles for development that complies with specified regulations; NOW, THEREFORE,

BE IT ORDAINED, by the Council of the City of San Diego, as follows:

Section 1. That an amendment is initiated to Chapter 15, Articles 1, 3, 9, 10, 12, 16, and 19; the Planned District General Provisions, and the Carmel Valley, La Jolla, La Jolla Shores, Mid-City, Old Town, and Southeastern San Diego Planned Districts.

Section 2. That Chapter 9, Article 8, Division 7 of the San Diego Municipal Code is amended by amending section 98.0720 to read as follows:

**§98.0720 Definitions**

The following definitions apply to the administration and enforcement of this division:

“*Condominium*” means the same as defined in sections 783 and 1351(f) of the California Civil Code.

“*Landlord*” through “*Tenancy*” [No change in text.]

Section 3. That Chapter 11, Article 2, Division 1 of the San Diego Municipal Code is amended by amending section 112.0102 to read as follows:

**§112.0102 Application Process**

An application for a permit, map, or other matter shall be filed with the City Manager in accordance with the following requirements:

(a) through (c) [No change in text.]

(d) Expiration of Application.

- (1) Applications for *construction permits* and Process One map approvals expire 2 years from the date the application is *deemed complete*, unless otherwise stated in the Land Development Code.
- (2) The application may be extended for a period not exceeding 180 calendar days, if the City Manager determines that circumstances beyond the control of the *applicant* prevented issuance of the permit or approval of the Process One map. In such cases, the existing application shall be automatically extended until a decision is made regarding the request for extension.

- (3) Once expired, the application, plans, and other data submitted for review may be returned to the *applicant* or destroyed by the City Manager.
- (4) To reapply, the *applicant* shall submit a new application with required submittal materials and shall be subject to all applicable fees and regulations in effect on the date the new application is *deemed complete*.

Section 4. That Chapter 11, Article 2, Division 3 of the San Diego Municipal Code is amended by amending sections 112.0301 and 112.0302 to read as follows:

**§112.0301 Types of Notice**

- (a) through (c) [No change in text.]
- (d) Notice of Availability of *Local Coastal Program* Amendment. A Notice of Availability is a written notice to advise of the availability of supporting materials for an action that will be taken by the City Council at a future date. A Notice of Availability is required as part of the certification process for *Local Coastal Program* Amendments in accordance with Section 122.0106.
  - (1) Content. The Notice of Availability of *Local Coastal Program* Amendment shall include the following:
    - (A) A general description of the project;
    - (B) The location of the property that is the subject of the application;
    - (C) The applicable community planning area(s);

- (D) The name, telephone number, and city address of the City staff person to contact for additional information;
  - (E) The name of the *applicant* and, with the consent of the *applicant*, the *applicant's* address and telephone number; and
  - (F) An explanation that the final decision by the City Council will occur no sooner than 6 weeks after the date of mailing the Notice of Availability.
- (2) Distribution.
- (A) The City Manager shall distribute the Notice of Availability at least 6 weeks prior to the City Council hearing to approve or deny an amendment to the *Local Coastal Program*.
  - (B) The City Manager shall distribute the Notice of Availability to the persons described in Section 112.0302(b) and to the public agencies required in accordance with the applicable provisions of the California Coastal Act and Guidelines for *Local Coastal Program* certification.
  - (C) The Notice of Availability may be combined into a single notice document with the Notice of Planning Commission Hearing.
- (3) A subsequent Notice of Public Hearing shall be provided in accordance with Section 112.0301(c) prior to final decision by the City Council.

**§112.0302 Notice by Mail**

- (a) [No Change in text.]
- (b) Persons Entitled to Notice. Except as provided in Section 112.0302(c), the Notice of Application, Notice of Future Decision, and Notice of Public Hearing shall be mailed to the following:
  - (1) [No change in text.]
  - (2) All tenant addresses located on the subject property and all addresses within 300 feet of the boundary of the real property that is the subject of the application, including each tenant address within a condominium or apartment complex.
  - (3) through (5) [No change in text.]
- (c) through (d) [No Change in text.]

Section 5. That Chapter 11, Article 2, Division 5 of the San Diego Municipal Code is amended by amending sections 112.0504 and 112.0520 to read as follows:

**§112.0504 Process Two Appeal Hearing**

The Planning Commission shall hear appeals of Process Two decisions subject to the following requirements.

- (a) through (b) [No change in text.]
- (c) Grounds for Appeal. A Process Two decision may be appealed on any of the following grounds:
  - (1) Factual Error. The statements or evidence relied upon by the decision maker when approving, conditionally

- approving, or denying a permit, map, or other matter were inaccurate;
- (2) New Information. New information is available to the *applicant* or the *interested person* that was not available through reasonable efforts or due diligence at the time of the decision;
  - (3) *Findings* Not Supported. The decision maker's stated *findings* to approve, conditionally approve, or deny the permit, map, or other matter are not supported by the information provided to the decision maker; or
  - (4) Conflicts. The decision to approve, conditionally approve, or deny the permit is in conflict with a *land use plan*, a City Council policy, or the Municipal Code.
- (d) Scheduling an Appeal Hearing. The City Manager shall assign a date for an appeal hearing before the Planning Commission no later than 10 calendar days after the date on which an application for the appeal hearing is filed with the City Manager. The appeal hearing shall generally be held within 60 calendar days following the filing of the application for the hearing. The appeal hearing shall be noticed in accordance with Section 112.0308.
  - (e) Power to Act on the Decision at Appeal Hearing. At the conclusion of the appeal hearing, the Planning Commission may affirm, reverse, or modify the staff decision.

**§112.0520 Environmental Determination Appeals**

(a) **Persons Who Can Appeal**

Notwithstanding other provisions of this Code, any person may appeal an *environmental determination* not made by the City Council.

(b) **Time for Filing an Appeal**

An application to appeal a decision described in Section 112.0520(a) shall be filed in the Office of the City Clerk within 10 *business days* from the date of the posting of the Notice of Right to Appeal Environmental Determination.

(c) **Scheduling Appeal Hearings.** The appeal hearing before the City Council shall be held, or the City Clerk shall set a date for the appeal hearing, no later than 30 calendar days after the date on which the application for an appeal is filed. The appeal hearing shall be noticed in accordance with Section 112.0308.

(d) **Power to Act on Appeal.** The City Council shall consider the appeal and shall, by a majority vote:

- (1) Deny the appeal, approve the *environmental determination* and adopt the CEQA findings and statement of overriding considerations of the previous decision-maker, where appropriate; or
- (2) Grant the appeal and set aside the *environmental determination*, in accordance with Section 112.0520(e).

(e) **If the City Council grants the appeal under Section 112.0520(d)(2):**

- (1) The lower decision-maker's decision to approve the project shall be held in abeyance. The City Council shall retain jurisdiction to act on the revised environmental document and associated project at a subsequent public hearing.
- (2) The Development Services Director shall reconsider the *environmental determination* in accordance with Section 128.0103 and prepare a revised environmental document as appropriate, in consideration of any direction from the City Council.
- (3) At a subsequent hearing, the City Council shall again consider the *environmental determination* and associated projects, and take action in accordance with Section 112.0520(e)(3)(A), (B), or (C) to:
  - (A) Certify or adopt the environmental document; adopt CEQA *findings* and statement of overriding considerations as appropriate; and affirm the previous decision to approve the associated project;
  - (B) Certify or adopt the environmental document; adopt CEQA *findings* and statement of overriding considerations as appropriate; condition and approve the associated project as modified; or
  - (C) Find that the environmental document is insufficient, in which case the document shall not be certified. The associated project shall be denied and the decision shall be deemed the final administrative action.

Section 6. That Chapter 11, Article 3, Division 1 of the San Diego Municipal Code is amended by amending section 113.0103 to read as follows:

**§113.0103 Definitions**

*Abutting property* through *Accessory use* [No change in text.]

*Advertising display sign* means a *sign* where the *sign copy* does not pertain to the use of the property, a product sold, or the sale or lease of the property on which the *sign* is displayed and which does not identify the place of business as purveyor of the merchandise or services advertised on the *sign*. Such *signs* include vehicle-mounted *signs* and billboards.

*Affiliate* through *Yard* [No change in text.]

Section 7. That Chapter 11, Article 3, Division 2 of the San Diego Municipal Code is amended by amending sections 113.0234, 113.0246, 113.0249, 113.0252, 113.0255, 113.0258 and renumbering Diagram 113-02DD to 113-02EE, by amending section 113.0261 and renumbering Diagram 113-02EE to 113-02FF, by amending section 113.0264 and renumbering Diagrams 113-02FF to 113-02GG and 113-02GG to 113-02HH, by amending section 113.0267 and renumbering Diagram 113-02HH to 113-02II, by amending section 113.0270 and renumbering Diagrams 113-02II to 113-02JJ, Diagram 113-02JJ to 113-02KK, Diagram 113-02KK to 113-02LL, Diagram 113-02LL to 113-02MM, Diagram 113-02MM to 113-02NN, Diagram 113-02NN to 113-02OO, Diagram 113-02OO to 113-02PP, Diagram 113-02PP to 113-02QQ, and Diagram 113-02QQ to 113-02RR; by amending section 113.0273 and renumbering Diagram 113-02RR to 113-02SS; and by amending section 113.0276 and renumbering Diagram 113-02SS to 113-02TT to read as follows:

**§113.0234     Calculating Gross Floor Area**

[No change in text.]

(a)     [No change in text.]

(1) through (2) [No change in text.]

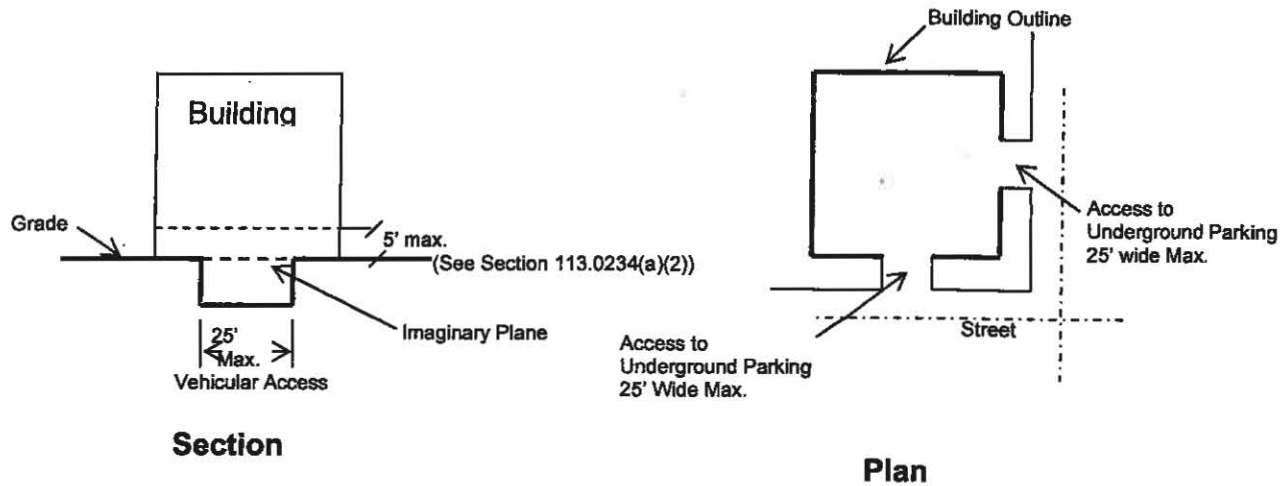
(3)     *Gross floor area* for underground parking *structures* includes the following, except where the parking *structure* design meets the exemptions identified in Section 113.0234(d)(3):

(A)     All portions of the *structure* where the vertical distance between adjacent *grade* and the finished *floor* elevation above exceeds 5 feet.

(B)     The vertical measurement between adjacent *grade* and the finished *floor* above shall not include subterranean vehicular access openings (up to a maximum of 25 foot width). Instead, the vertical distance measurement shall be measured from the imaginary plane perpendicular to the driveway access that connects the adjacent *grades* to the finished *floor* above.

**Diagram 113-02K**

**Underground Parking Structures**

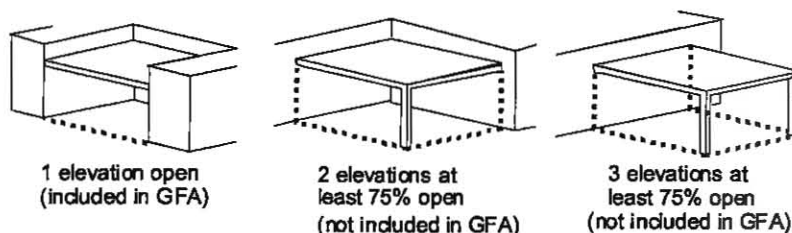


(4) through (5) [No change in text.]

(6) *Gross floor area* includes on- or above-grade parking structures, garages, and carports that are constructed and maintained with less than two elevations of the element that are at least 75 percent completely open, as shown in Diagram 113-02M, except where the parking structure design meets the exemptions identified in Section 113.0234(d)(3).

**Diagram 113-02M**

**Garages/Carports**



(7) [No change in text.]

(b) through (c) [No change in text.]

(d) Elements Not Included in *Gross Floor Area*

- (1) *Interior Courts*, as defined in Section 113.0103; and
- (2) Interior modifications, including additions of actual *floor* areas that do not affect the outer limits of the existing *structural envelope*.
- (3) *Parking Structures*
  - (A) The intent of this section is to facilitate the *development* of parking facilities for *multiple dwelling unit* and commercial *development*. This exclusion from *gross floor area* does not apply to garages or carports that serve *single dwelling unit* or duplex *development*.
  - (B) In order to exclude a parking *structure* from the calculation of *gross floor area*, a combination of at least two of the following shall be incorporated into project design as follows:
    - (i) The parking *structure* includes at least one subterranean *floor* where the vertical distance between adjacent *grade* and the finished *floor* elevation above is 5 feet or less. Elevations that provide vehicular access to a subterranean parking level may still meet this provision where the vertical distance is 5 feet or less as measured in accordance with Section 113.0234(a)(3)(B);

- (ii) The parking *structure* is part of a wrapped design to screen parked vehicles within the *structure* from the adjacent *public right-of-way*;
- (iii) The parking *structure* is screened from the adjacent *public right-of-way* on at least two elevations; or
- (iv) The parking *structure* is at least 40 percent open on at least two elevations.

**§113.0246 Determining Property Lines**

The *property lines* define the perimeter of a *lot* or *premises* and separate one *lot* or *premises* from any other *lot* or *premises* or from the *public right-of-way*. These rules for determining *property lines* are for purposes of applying and interpreting development regulations only and are not intended to affect ownership rights or responsibilities. These rules apply regardless of ownership of property extending into the *public right-of-way*.

(a) through (d) [No change in text.]

- (e) *Property Lines that Abut an Alley*. A *property line* that abuts an *alley* shall be determined in accordance with Section 113.0246 (a) through (d).

However, the *property line* that abuts an *alley* shall not be considered a *street property line* for the purpose of determining *setbacks* or *street yards* as indicated below:

- (1) *Alley adjacent to front property line*. A *setback* equivalent to a rear yard shall be applied when a *lot* abuts an *alley* as a front *property line*.

- (2) *Alley adjacent to side property line. A setback equivalent to an interior side yard shall be applied when a lot abuts an alley as a street side property line.*
- (3) *Alley adjacent to rear property line. A setback equivalent to a rear yard shall be applied when a lot abuts an alley as a rear property line.*

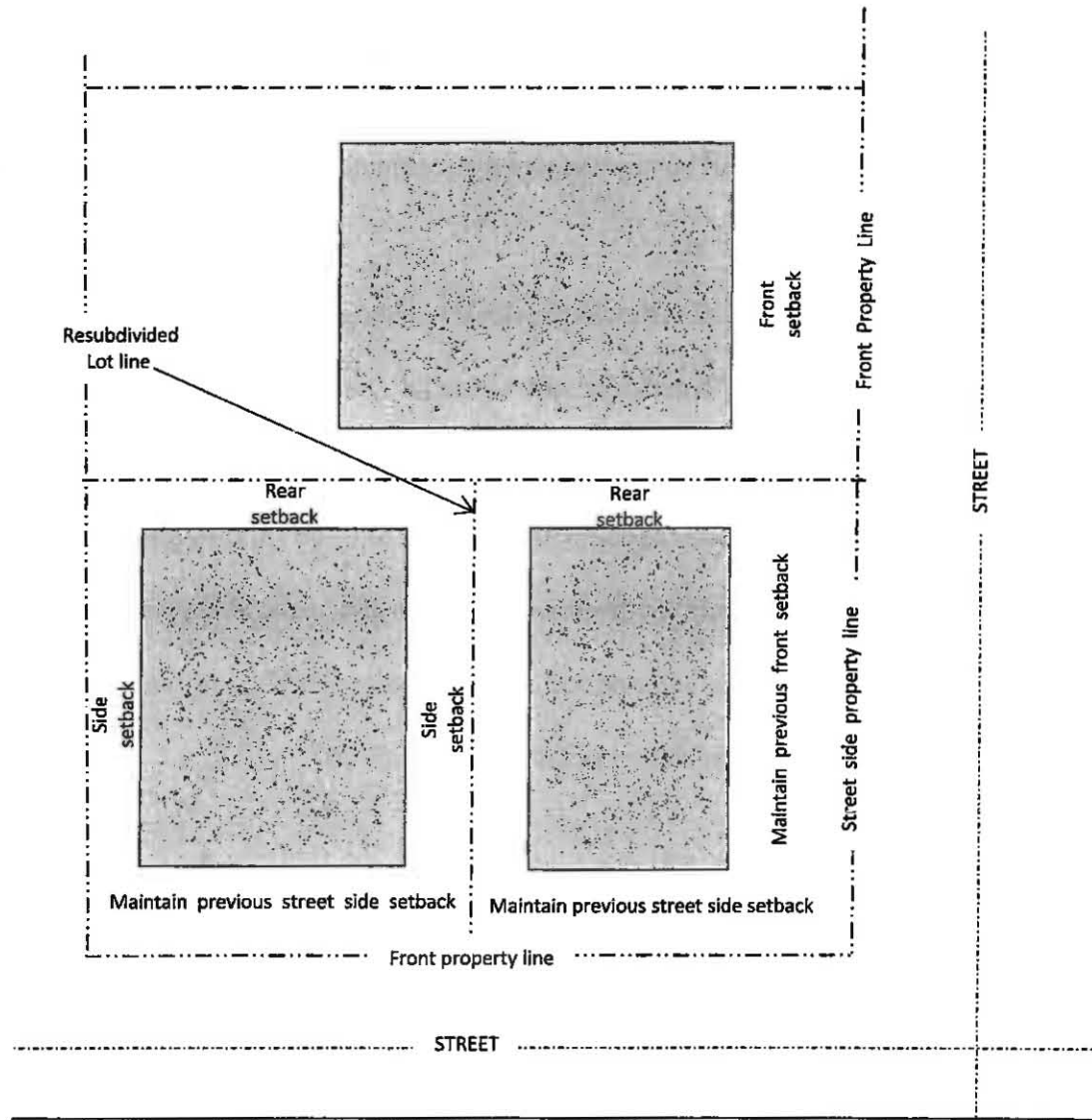
**Diagram 113-02CC Alley Setbacks [No change in text.]**

- (f) **Resubdivided Corner Lots in Residential Zones.**

In residential zones, *property lines* for resubdivided corner lots shall be determined in accordance with Section 113.0246 (a) through (d); however, the *setbacks* along the front *property line* and *street side property line* shall observe the *setback* requirements placed on the original *lot* configuration, as shown in Diagram 113-02DD.

**Diagram 113-02DD**

**Setbacks for Resubdivided Corner Lots**



**§113.0249 Determining Setback Line**

- (a) The *setback line* is a line that runs parallel to the nearest *property line* at a distance inward from the *property line* equal to the *setback*. The area between the *setback line* and the parallel *property line* is the required *yard*. A continuous line connecting all *setback lines* defines the boundaries of

the *building envelope* at ground level. See also Sections 113.0246 (Determining Property Lines) and 113.0252 (Measuring Setbacks).

(b) through (d) [No change in text.]

**§113.0252 Measuring Setbacks**

(a) The distance of the *setback* is measured inward from and perpendicular to the nearest *property line*, as follows, except as otherwise indicated in Section 113.0246(e) and (f):

(1) through (4) [No change in text.]

(b) through (c) [No change in text.]

**§113.0255 Calculating Sign Copy Area**

(a) For *wall signs*, the copy area of a *sign* is the area of the smallest geometric figure that can enclose the actual *sign copy*. See Diagram 113.02EE.

(b) [No change in text.]

**§113.0258 Calculating Sign Face**

The *sign face*, as shown in Diagram 113-02EE, is calculated by multiplying the length of the *sign* by the width of the *sign*.

(a) through (d) [No change in text.]

**Diagram 113-02EE**

**Sign Face and Sign Copy Area**

[No change to diagram.]

**§113.0261 Determining a Story**

A *story* is that portion of a building between *finish-floor* elevations, between *finish-floor* and roof elevations, and between *grade* and *finish-floor* elevations.

(a) through (c) [No change in text.]

(d) **Underground Parking Structures and *Basements***

Underground parking structures and *basements* are *stories* if there is a vertical distance, at any point, of 6 feet or more between *existing grade* or *proposed grade*, whichever is lower, and the finish-*floor* elevation immediately above. See Diagram 113-02FF.

**Diagram 113-02FF**

**Underground Parking Structures and Basements**

[No change to diagram.]

**113.0264 Determining Street Wall**

- (a) The *street wall* is made is made up of the outer surfaces of all walls in all planes along that portion of the building that is between the limits of the *building facade*. The *street wall* follows all indentations along the *building facade*, as shown in Diagram 113-02GG.

**Diagram 113-02GG**

**Street Wall**

[No change to diagram]

- (b) The *street wall* is determined in accordance with the following:

- (1) [No change in text.]
- (2) The length of the *street wall* is the sum of the lengths of all walls along that portion of the building that is between the limits of the *building facade*, as shown in Diagram 113-02HH.

**Diagram 113-02HH**

**Length of Street Wall**

[No change to diagram.]

(c) [No change in text.]

**§113.0267 Determining Street Wall Line**

The *street wall line* is used to delineate the *street yard*. The *street wall line* includes the *street wall* plus a line extending outward from the limits of the *street wall*, as shown in Diagram 113-02II. The extension lines shall be parallel to the *street* or single plane used to determine the *building facade*. Porches more than 3 feet above *grade* and site walls that are integral in material, design, and placement with the building and which maintain a minimum height of 4 feet may be included in determining the *street wall line*. For a corner lot, the *street wall line* includes the *street walls* for both frontages.

**Diagram 113-02II**

**Street Wall Line**

[No change to diagram.]

**§113.0270 Measuring Structure Height**

(a) *Structure Height of Buildings and Structures (Excluding Fences, Retaining Walls, or Signs)*

- (1) The maximum permitted *structure height* is specified in the applicable zone and defines the upper limits of the *building envelope* for a *premises*. It is measured vertically from the *existing grade* or *proposed grade*, whichever is lower, to form an imaginary plane that is parallel to *grade*, below which all buildings and *structures* must be located, except as otherwise described in 113.0270(a)(4). This is illustrated in Diagram 113-02JJ.

**Diagram 113-02JJ**

**Maximum Permitted Structure Height**

[No change to diagram.]

- (2) A two part calculation is required to measure a *structure height* including:
- (A) Plumb line measurement. The *structure height* is measured from all points on top of a *structure to existing grade* or *proposed grade*, whichever is lower, directly below each point, except as described in Section 113.0270(a)(4). This measurement is taken vertically through the *structure* at each point where *structure height* is being measured, as shown in Diagram 113-02KK.

**Diagram 113-02KK**

**Measurement of Structure Height**

[No change to diagram.]

- (B) Overall Height Measurement. The overall *structure height* is measured from the lowest point of *existing grade* or *proposed grade* within 5 feet of the *structure's* perimeter (building wall, balcony, bay window, or similar *architectural projection*) or at the *property line*, whichever is closer, to the highest point of the *structure*, projected horizontally to directly above this lowest point of *grade*. The overall *structure height* shall not exceed the maximum permitted *structure height* of the applicable zone plus an

amount equal to either the maximum *grade* differential within the *structure's* footprint or 10 feet, whichever is less. The *structure height* shall not exceed the maximum allowed by the applicable zone at any one point. This is illustrated in Diagram 113-02LL.

**Diagram 113-02LL**

**Overall Structure Height**

[No change to diagram.]

(3) [No change in text.]

(4) Special Circumstances

(A) Extreme Topographic Variation. Where there is an extreme natural topographic variation on a *premises* that covers 10 percent or less of the proposed *structure's* footprint, as shown in Diagram 113-02MM, overall *structure height* is measured from an imaginary plane made by connecting the perimeter points of the topographic variation, so that the imaginary plane above and parallel to *grade* will not reflect the extreme natural topographic variation.

**Diagram 113-02MM**

**Structure Height at Basement**

[No change to diagram.]

(B) Measuring *Structure Height* for Subterranean Areas

(i) Interior Subterranean Areas. Where a *basement*, underground parking *structure*, *interior court*, or

other similar interior subterranean area is proposed, the plumb line measurement to the lower of *existing grade* or *proposed grade* shall be measured to an imaginary plane through the building that connects the adjacent *grade* elevations on both sides of the *structure* as shown in Diagram 113-02NN.

**Diagram 113-02NN**

**Imaginary Plane and Plumb Line**

[No change to diagram.]

- (ii) Exterior Subterranean Areas. The overall *structure height* measurement shall not include subterranean vehicular access, exterior subterranean pedestrian access or ventilation to a *basement*. Overall *structure height* shall instead be measured from an imaginary plane connecting to the lowest *adjacent grade* immediately above the exterior subterranean space, as shown in Diagram 113-02OO.

**Diagram 113-02OO**

**Access and Ventilation to Basement**

[No change to diagram.]

- (C) When a pool is located within 5 feet of the *structure*, the overall *structure height* shall not include the pool. This is illustrated in Diagram 113-02PP.

other similar interior subterranean area is proposed, the plumb line measurement to the lower of *existing grade* or *proposed grade* shall be measured to an imaginary plane through the building that connects the adjacent *grade* elevations on both sides of the *structure* as shown in Diagram 113-02NN.

**Diagram 113-02NN**

**Imaginary Plane and Plumb Line**

[No change to diagram.]

- (ii) Exterior Subterranean Areas. The overall *structure height* measurement shall not include subterranean vehicular access, exterior subterranean pedestrian access or ventilation to a *basement*. Overall *structure height* shall instead be measured from an imaginary plane connecting to the lowest *adjacent grade* immediately above the exterior subterranean space, as shown in Diagram 113-02OO.

**Diagram 113-02OO**

**Access and Ventilation to Basement**

[No change to diagram.]

- (C) When a pool is located within 5 feet of the *structure*, the overall *structure height* shall not include the pool. This is illustrated in Diagram 113-02PP.



**Diagram 113-02PP**

**Overall Structure Height With Pool**

[No change to diagram.]

(D) *Structure Height* of Buildings subject to Coastal Height

Limit in accordance with Section 132.0505

(i) through (ii) [No change in text.]

(iii) *Structure height* of buildings subject to the Coastal

Height Limit shall also comply with the height

measurement calculations for plumb line in Section

113.0270(a)(2)(A) and overall height in Section

113.0270(a)(2)(B).

(b) *Structure Height of Fences, Walls, and Retaining Walls*

(1) *Fence and Wall Height*

(A) No height of any portion of a *fence* or wall is measured

from the lowest *grade* abutting the *fence* or wall to the top

of the *fence* or wall, except that the height of a *fence* or wall

on top of a *retaining wall* is measured from *grade* on the

higher side of the *retaining wall*, as shown in Diagram

113-02QQ.

**Diagram 113-02QQ**

**Height of Fence or Wall on Retaining Wall**

[No change in diagram.]

(B) [No change in text.]

(2) *Retaining Wall Height*

The height of a *retaining wall* is measured from *grade* on the lower side of the *retaining wall* to the top of the *retaining wall*, as shown in Diagram 113-02RR.

**Diagram 113-02RR**

**Retaining Wall Height**

[No change in diagram.]

(c) [No change in text.]

**§113.0273 Measuring Visibility Area**

The *visibility area* is a triangular portion of a *premises* formed by drawing one line perpendicular to and one line parallel to the *property line* or *public right-of-way* for a specified length and one line diagonally joining the other two lines, as shown in Diagram 113-02SS. No *structures* may be located within a *visibility area* unless otherwise provided by the applicable zone or the regulations in Chapter 14, Article 2 (General Development Regulations).

(a) through (d) [No change in text.]

**Diagram 113-02SS**

**Visibility Area**

[No change in diagram.]

**§113.0276 Determining Yards**

(a) *Yards* are determined in the hierarchy described below and shown in Diagram 113-02TT:

(1) through (4) [No change in text.]

**Diagram 113-02TT**

**Yards**

[No change in diagram.]

Section 8. That Chapter 12, Article 5, Division 1 of the San Diego Municipal Code is amended by renumbering section 125.0121 to 125.0122, by adding a new section 125.0121, by renumbering section 125.0122 to 125.0123, and by adding new sections 125.0124 and 125.0150 to read as follows:

**§125.0121 How to Apply for a Map Waiver**

- (a) An *applicant* shall apply for a Map Waiver in accordance with Section 112.0102. The content and form for the submittal shall be as specified by the Land Development Manual and the *Subdivision Map Act*.
- (b) If the *applicant* fails to submit or resubmit requested materials, information, fees, or deposits, the application file may be closed after 90 calendar days from the date the application was *deemed complete* or from the date of the last written request by the City.

**§125.0122 Decision Process for Map Waivers**

[No change in text.]

**§125.0123 Findings for Map Waivers**

[No change in text.]

**§125.0124 Extension of Time for a Map Waiver**

The expiration date of a Map Waiver may be extended as follows:

- (a) The expiration date of a Map Waiver may be extended one or more times if the extensions do not exceed a total of 72 months in accordance with the

*Subdivision Map Act*. This time frame does not include any legislative extensions enacted pursuant to state law.

- (b) Request for Extension. An application for Extension of Time for a Map Waiver shall be filed before the expiration date of the Map Waiver, but not more than 60 calendar days before the expiration date, in accordance with Section 112.0102. When an application for Extension of Time is filed, the Map Waiver shall be automatically extended for a period of 60 calendar days from the expiration date or until the Extension of Time is approved, conditionally approved, or denied, whichever occurs first.
- (c) Decision Process. An application for Extension of Time for a Map Waiver shall be acted upon in accordance with Process Two.
  - (1) The decision maker shall approve the application for Extension of Time unless a finding to conditionally approve or deny the application is made in accordance with Section 125.0124(a)(3).
  - (2) Expiration of a Map Waiver shall not preclude the decision maker from approving, conditionally approving or denying an Extension of Time when the application has been filed prior to the Map Waiver expiration.
- (d) *Findings* to Conditionally Approve or Deny an Application for Extension of Time. The decision maker may only conditionally approve or deny a request for Extension of Time if the decision maker makes one of the following *findings*:

- (1) The failure to conditionally approve or deny the request would place the residents of the *subdivision* or the immediate community in a condition dangerous to their health or safety; or
  - (2) The condition or denial is required to comply with state or federal law.
- (e) If granted, the time period for the Extension of Time shall begin from the date of expiration of the previously approved Map Waiver.

**§125.0150 Tolling of Tentative Maps and Associated Development Permits**

- (a) Pursuant to *Subdivision Map Act* Section 66452.6(c), an *applicant* may request a tolling of the expiration of an approved or conditionally approved *tentative map* for up to 5 years while a lawsuit involving the approval or conditional approval of the *tentative map* is or was pending in a court of competent jurisdiction. Associated *development permits* may also be tolled in accordance with Sections 125.0150 and 126.0115.
- (b) A request to toll the expiration must be submitted prior to expiration of the *tentative map* and associated *development permits*.
- (c) A decision regarding a request to toll the expiration of a *tentative map* and associated *development permits* shall be made in accordance with Process One.
- (d) A request to toll the expiration of a *tentative map* and associated *development permits* shall be granted within 40 days of the date of application if it can be demonstrated to the satisfaction of the City Manager that:

- (1) A lawsuit was filed that is related to the processing of an approved or conditionally approved *tentative map* and associated *development permits*; and
  - (2) Tolling of the expiration date for up to 5 years during the lawsuit would allow time for the *applicant* to address associated court orders or procedures related to processing the *tentative map* and associated *development permits*.
- (e) Upon resolution of the lawsuit, the *applicant* shall contact the City Manager to confirm the adjusted expiration dates for the approved or conditionally approved *tentative map* and associated *development permits* as applicable. The adjusted expiration dates shall allow tolling of the expiration dates as follows:
- (1) The credited time for the tolling period shall be limited to the time period between the date the petition or complaint in the lawsuit was filed and the date the lawsuit was officially resolved.
  - (2) The credited time for the tolling period shall not exceed 5 years.

Section 9. That Chapter 12, Article 5, Division 3 of the San Diego Municipal Code is amended by amending section 125.0310 to read as follows:

**§125.0310 When a Lot Line Adjustment Is Required**

A Lot Line Adjustment is required when land is taken from one or more parcels and added to one or more adjoining parcels, provided that the adjustment would not result in the creation of an additional parcel.

Section 10. That Chapter 12, Article 5, Division 4 of the San Diego Municipal Code is amended by amending sections 125.0420, 125.0431, 125.0440, and 125.0461 to read as follows:

**§125.0420     How to Apply for a Tentative Map**

- (a)     An *applicant* shall apply for a *tentative map* in accordance with Section 112.0102. The content and form for *tentative maps* and the associated data submitted shall be as specified by the Land Development Manual and the *Subdivision Map Act*.
- (b)     If the *applicant* fails to submit or resubmit requested materials, information, fees, or deposits, the application file may be closed after 90 calendar days from the date the application was *deemed complete* or from the date of the last written request by the City.

**§125.0431     Additional Notice for a Condominium Conversion Map**

- (a)     For a *tentative map* for a *condominium conversion* project, the *subdivider* shall provide the following notices in addition to the notice provided for in Chapter 11, Article 2, Division 3 (Notice):
  - (1)     [No change in text.]
  - (2)     Notice to each person applying for the rental of a unit in the proposed project required in Chapter 11, Article 2, Division 3 (Notice) and *Subdivision Map Act* section 66452.17;
  - (3) through (5) [No change in text.]
- (b)     Following approval of a *tentative map* for *condominium conversion*, a 180 Day Notice of Intention to Convert shall be provided to each tenant prior

to termination of tenancy due to *condominium conversion* pursuant to  
*Subdivision Map Act* section 66452.19.

- (c) [No change in text.]

**§125.0440 Findings for a Tentative Map**

A *tentative map* may be approved or conditionally approved only if the decision maker makes the following *findings* in accordance with the *Subdivision Map Act* and the Land Development Code:

- (a) The proposed *subdivision* and its design or improvements are consistent with the policies, goals, and objectives of the applicable *land use plan*;
- (b) The proposed *subdivision* complies with the applicable zoning and development regulations of the Land Development Code including any allowable deviations pursuant to the Land Development Code;
- (c) through (h) [No change in text.]

**§125.0461 Extension of Time for a Tentative Map**

The expiration date of a *tentative map* may be extended as follows:

- (a) The expiration date of a *tentative map* may be extended one or more times if the extensions do not exceed a total of 72 months in accordance with the *Subdivision Map Act*. This time frame does not include any legislative extensions enacted pursuant to state law.
- (1) Request for Extension. An application for Extension of Time for a *tentative map* shall be filed before the expiration date of the *tentative map* but not more than 60 calendar days before the expiration date, in accordance with Section 112.0102. When an application for Extension of Time is filed, the *tentative map* shall

be automatically extended for a period of 60 calendar days from the expiration date or until the Extension of Time is approved, conditionally approved, or denied, whichever occurs first.

- (2) Decision Process. An application for Extension of Time for a *tentative map* shall be acted upon in accordance with Process Two.
  - (A) The decision maker shall approve the application for Extension of Time unless a *finding* to conditionally approve or deny the application is made in accordance with Section 125.0461(a)(3).
  - (B) Expiration of a *tentative map* shall not preclude the decision maker from approving, conditionally approving or denying an Extension of Time when the application has been filed prior to the *tentative map* expiration.
- (3) *Findings* to Conditionally Approve or Deny an Application for Extension of Time. The decision maker may only conditionally approve or deny a request for extension of time if the decision maker makes one of the following *findings*:
  - (A) The failure to conditionally approve or deny the request would place the residents of the *subdivision* or the immediate community in a condition dangerous to their health or safety; or
  - (B) The condition or denial is required to comply with state or federal law.

- (4) If granted, the time period for the Extension of Time shall begin from the date of expiration of the previously approved *tentative map*.

- (b) [No change in text.]

Section 11. That Chapter 12, Article 5, Division 9 of the San Diego Municipal Code is amended by amending sections 125.0910, 125.0940, 125.0941, and 125.0950 to read as follows:

**§125.0910 When a Public Right-of-Way Vacation May Be Initiated**

- (a) The vacation of a *public right-of-way* may be initiated by resolution of the City Council or by petition or request of any person pursuant to the California Streets and Highway Code. A *public right-of-way* also may be vacated by filing a *tentative map* and a *parcel map* or *final map* pursuant to the *Subdivision Map Act* Sections 66434(g), 66445(j), 66499.20 1/4 or 66499.20 1/2, and in accordance with the provisions of this article.
- (b) A *public right-of-way* may be summarily vacated if it does not contain *public utility* facilities, does not contain active *public utility* facilities, or contains *public utility* facilities that would not be affected by the vacation and if any of the following applies:
- (1) through (5) [No change in text.]
- (6) The *public right-of-way* vacation does not terminate a *public service easement*, unless the easement vacation satisfies the requirements of the California Streets and Highways Code section 8333.

- (c) A public *street*, highway or *public service easement* may not be summarily vacated if there are existing *public utility* facilities that are in use and would be affected by the vacation.
- (d) Public facilities within the *public right-of-way* shall be deemed unaffected by the vacation if they are to be relocated with no impact on service or if an appropriate easement is reserved from the vacation pursuant to California Streets and Highways Code section 8340 to provide for the continued use and maintenance of the public facility.

**§125.0940 Decision Process for a Public Right-of-Way Vacation**

A decision on an application to vacate a *public right-of-way* shall be made in accordance with Process Five with the following exceptions to Process Five procedures:

- (a) The Notice of Public Hearing required by Section 112.0301(c) shall be distributed 14 calendar days before the date of the public hearing, and shall be published in a newspaper of general daily circulation for at least two successive weeks prior to the hearing in accordance with California Streets and Highways Code Section 8322. The Notice of Public Hearing shall be posted in accordance with California Streets and Highways Code Section 8323. Where the vacation of a *public right-of-way* occurs in conjunction with an application for a *tentative map*, notice in accordance with this section shall not be required.
- (b) A summary vacation of a *public right-of-way* pursuant to Section 125.0910(b) does not require a recommendation by the Planning Commission.

**§125.0941 Findings for Public Right-of-Way Vacation Approval**

*A public right-of-way* may be vacated only if the decision maker makes the following *findings*:

(a) through (b) [No change in text.]

(c) The vacation does not adversely affect any applicable *land use plan*; and

(d) [No change in text.]

**§125.0950 Recording of a Public Right-of-Way Vacation**

If the vacation is approved, the City shall provide the resolution and any accompanying documents to the County Recorder for recordation. If the resolution contains conditions, it shall not be provided to the County Recorder for recordation until the City Engineer has determined that all conditions have been met. The recordation of a *subdivision map* pursuant to *Subdivision Map Act* Sections 66434(g), 66445(j), 66499.20 1/4 or 66499.20 1/2 shall have the same effect.

Section 12. That Chapter 12, Article 5, Division 10 of the San Diego Municipal Code is amended by amending sections 125.1001, 125.1010, 125.1020, 125.1030, 125.1040, and 125.1050 to read as follows:

**§125.1001 Purpose of Easement Vacation Procedures**

The purpose of these procedures is to establish the process to vacate *public service easements* and other easements granted to the public or the City of San Diego and to supplement the provisions of California Streets and Highways Code Sections 8300 through 8363.

**§125.1010 When an Easement Vacation May Be Initiated**

- (a) The vacation of a *public service easement* or other easement may be initiated by resolution of the City Council or by petition or request by any person pursuant to the California Streets and Highway Code.
- (b) A *public service easement* or other easement may also be vacated by filing a *tentative map* and a *parcel map* or *final map* pursuant to the *Subdivision Map Act* Sections 66434(g), 66445(j), 66499.20 1/4 or 66499.20 1/2, and in accordance with the provisions of this article.
- (c) A *public service easement* or other easement may be summarily vacated if it does not contain *public utility* facilities or does not contain active *public utility* facilities that would be affected by the vacation and if any one of the following applies:
  - (1) The easement has not been used for the purpose for which it was dedicated or acquired for 5 consecutive years immediately preceding the proposed vacation;
  - (2) The date of *dedication* or acquisition is less than 5 years and more than 1 year immediately preceding the proposed vacation, and the easement has not been used continuously since the date of *dedication*; or
  - (3) The easement has been superseded by relocation or determined to be excess by the easement holder, and there are no other public facilities located within the easement.

**§125.1020      How to Apply for an Easement Vacation**

An application for vacation of a *public service easement* or other easement shall be filed in accordance with Section 112.0102.

**§125.1030      Decision Process for an Easement Vacation**

A decision on an application to vacate a *public service easement* or other easement shall be made in accordance with Process Five, with the following exceptions to Process Five procedures.

- (a)      The Notice of Public Hearing required by Section 112.0301(c) shall be distributed 14 calendar days before the date of the public hearing, and shall be published in a newspaper of general daily circulation for at least two successive weeks prior to the hearing in accordance with California Streets and Highways Code Section 8322. The Notice of Public Hearing shall be posted in accordance with California Streets and Highways Code Section 8323. Where the vacation of a *public service easement* occurs in conjunction with an application for a *tentative map*, notice in accordance with this section shall not be required.
- (b)      A summary vacation of a *public service easement* or other easement pursuant to Section 125.1010(c) does not require a recommendation by the Planning Commission.

**§125.1040      Findings for a Public Service Easement Vacation**

A *public service easement* or other easement may be vacated only if the decision maker makes the following *findings*:

- (a) There is no present or prospective public use for the easement, either for the facility or purpose for which it was originally acquired or for any other public use of a like nature that can be anticipated;
- (b) The public will benefit from the action through improved utilization of the land made available by the vacation;
- (c) The vacation is consistent with any applicable *land use plan*; and
- (d) The public facility or purpose for which the easement was originally acquired will not be detrimentally affected by the vacation or the purpose for which the easement was acquired no longer exists.

**§125.1050 Recording of Easement Vacations**

If the vacation is approved, the City shall provide the resolution and any accompanying documents to the County Recorder for recordation. If the resolution contains conditions, it shall not be provided to the County Recorder for recordation until the City Engineer has determined that all conditions have been met. The recordation of a *subdivision map* pursuant to *Subdivision Map Act* Sections 66434(g), 66445(j), 66499.20 1/4 or 66499.20 1/2 shall have the same effect as filing a resolution of vacation.

Section 13. That Chapter 12, Article 6, Division 1 of the San Diego Municipal Code is amended by amending sections 126.0111, 126.0113, and by adding a new section 126.0115 to read as follows:

**§126.0111 Extension of Time of a Development Permit**

- (a) **Expiration Date.** The expiration date of an approved *development permit* may be extended one or more times, provided the extensions do not

exceed a total of 36 months beyond the expiration of the initial utilization period. When a *development permit* is associated with a *tentative map*, any map extensions granted pursuant to state law shall automatically extend the expiration of associated *development permits* to coincide with the expiration of the *tentative map*. This extension of time shall not be subject to the 36 month restriction.

(b) through (h) [No change in text.]

**§126.0113 Amendments to a Development Permit**

(a) through (b) [No change in text.]

- (c) An application for an amendment to a *development permit* shall be acted upon in accordance with the same process as would a new application for the same permit. When a *development permit* includes existing land uses that would not be permitted as new uses by the underlying base zone, the amendment application shall nevertheless be acted upon in accordance with the same process as the original *development permit*. The application is subject to environmental review and will be evaluated in accordance with the State California Environmental Quality Act (CEQA) Guidelines, Sections 15162-15164. The decision maker may revise existing conditions or impose new conditions.
- (d) An amendment to an existing *development permit* will not affect the original expiration date of the permit, unless a change is specifically requested. In such cases, the application must be *deemed complete* prior to the *development permit* expiration date and the *development permit* will automatically be extended until a decision on the amendment request is

final and all available administrative appeals of the project decision have been exhausted.

- (e) [No change in text.]

**§126.0115 Tolling of a Development Permit**

- (a) An *applicant* may request a tolling of the expiration of an approved or conditionally approved *development permit* for up to 5 years while a lawsuit involving the approval or conditional approval of the *development permit* is or was pending in a court of competent jurisdiction.
- (b) A request to toll the process must be submitted prior to expiration of the *development permit*.
- (c) A decision regarding a request to toll the expiration date for a *development permit* shall be made in accordance with Process One.
- (d) A request to toll the expiration date for a *development permit* shall be granted within 40 days of the date of application if it can be demonstrated to the satisfaction of the City Manager that:
- (1) A lawsuit was filed that is related to the processing of an approved or conditionally approved *development permit*; and
  - (2) Tolling of the expiration date for up to 5 years during the lawsuit would allow time for the *applicant* to address associated court orders or procedures related to processing of the *development permit*.
- (e) Upon resolution of the lawsuit, the *applicant* shall contact the City Manager to request the adjusted expiration date for the approved or

conditionally approved *development permit*. The adjusted expiration date shall allow tolling as follows:

- (1) The credited time for the tolling period shall be limited to the time period between the date the petition or complaint in the lawsuit was filed and the date the lawsuit was officially resolved.
- (2) The credited time for the tolling period shall not exceed 5 years.

Section 14. That Chapter 12, Article 6, Division 2 of the San Diego Municipal Code is amended by amending sections 126.0203 and 126.0205 to read as follows:

**§126.0203 When a Neighborhood Use Permit Is Required**

- (a) An application for the following uses in certain zones may require a Neighborhood Use Permit. To determine whether a Neighborhood Use Permit is required in a particular zone, refer to the applicable Use Regulation Table in Chapter 13.

Automobile service stations through Bed and breakfast establishments [No change in text.]

Boarding kennels/pet day care facilities

Community Gardens [No change in text.]

Comprehensive *sign* plans

Eating and drinking establishments through Employee Housing [No change in text.]

Home occupations (under circumstances described in Section 141.0308)

Neighborhood identification *signs*

Parking facilities as a primary use through Pushcarts [No change in text.]

Recycling facilities through Theater *marquees* [No change in text.]

Urgent care facilities

Veterinary clinics and animal hospitals

*Wireless communication facilities* (under certain circumstances described in Section 141.0420)

(b) [No change in text.]

**§126.0205 Findings for Neighborhood Use Permit Approval**

A Neighborhood Use Permit may be approved or conditionally approved only if the decision maker makes the following *findings*:

- (a) The proposed *development* will not adversely affect the applicable *land use plan*;
- (b) The proposed *development* will not be detrimental to the public health, safety, and welfare; and
- (c) The proposed *development* will comply with the regulations of the Land Development Code including any allowable deviations pursuant to the Land Development Code.

Section 15. That Chapter 12, Article 6, Division 3 of the San Diego Municipal Code is amended by amending sections 126.0303 and 126.0305 to read as follows:

**§126.0303 When a Conditional Use Permit Is Required**

An application for the following types of uses in certain zones may require a Conditional Use Permit. To determine whether a Conditional Use Permit is required in a particular zone, refer to the applicable Use Regulation Table in Chapter 13. The decision process is described in Section 126.0304.

(a) Conditional Use Permits Decided by Process Three

Agricultural equipment repair shops through Bed and breakfast establishments [No change in text.]

Child Care Centers through Impound storage yards [No change in text.]

Major transmission, relay, or communication switching station through

Swap meets and other large outdoor retail facilities [No change in text.]

*Wireless communication facilities* (under circumstances described in Section 141.0420)

(b) through (c) [No change in text.]

**§126.0305 Findings for Conditional Use Permit Approval**

An application for a Conditional Use Permit may be approved or conditionally approved only if the decision maker makes the following *findings*:

(a) through (b) [No change in text.]

(c) The proposed *development* will comply with the regulations of the Land Development Code including any allowable deviations pursuant to the Land Development Code; and

(d) The proposed use is appropriate at the proposed location.

Section 16. That Chapter 12, Article 6, Division 4 of the San Diego Municipal Code is amended by amending section 126.0404 to read as follows:

**§126.0404 Findings for Neighborhood Development Permit Approval**

A Neighborhood Development Permit may be approved or conditionally approved only if the decision maker makes all of the *findings* in Section

conditionally approved *development permit*. The adjusted expiration date shall allow tolling as follows:

- (1) The credited time for the tolling period shall be limited to the time period between the date the petition or complaint in the lawsuit was filed and the date the lawsuit was officially resolved.
- (2) The credited time for the tolling period shall not exceed 5 years.

Section 14. That Chapter 12, Article 6, Division 2 of the San Diego Municipal Code is amended by amending sections 126.0203 and 126.0205 to read as follows:

**§126.0203 When a Neighborhood Use Permit Is Required**

- (a) An application for the following uses in certain zones may require a Neighborhood Use Permit. To determine whether a Neighborhood Use Permit is required in a particular zone, refer to the applicable Use Regulation Table in Chapter 13.

Automobile service stations through Bed and breakfast establishments [No change in text.]

Boarding kennels/pet day care facilities

Community Gardens [No change in text.]

Comprehensive *sign* plans

Eating and drinking establishments through Employee Housing [No change in text.]

Home occupations (under circumstances described in Section 141.0308)

Neighborhood identification *signs*

Parking facilities as a primary use through Pushcarts [No change in text.]



126.0404(a) and the supplemental *findings* in Section 126.0404(b) through (d) that are applicable to the proposed *development* as specified in this section.

(a) Findings for all Neighborhood Development Permits

(1) through (2) [No change in text.]

(3) The proposed *development* will comply with the applicable regulations of the Land Development Code including any allowable deviations pursuant to the Land Development Code.

(b) through (d) [No change in text.]

Section 17. That Chapter 12, Article 6, Division 5 of the San Diego Municipal Code is amended by amending sections 126.0502 and 126.0504 to read as follows:

**§126.0502 When a Site Development Permit is Required**

(a) A Site Development Permit decided in accordance with Process Three is required where *environmentally sensitive lands* are present for the following types of *development*.

(1) [No change in text.]

(2) *Single dwelling unit development* that involves any of the following:

(A) [No change in text.]

(B) *Development* on *lots* greater than 15,000 square feet containing *sensitive biological resources* or *steep hillsides* as described in Section 143.0110; or

(C) *Development* on *lots* less than or equal to 15,000 square feet that are joined in ownership to a contiguous *lot* so that

the total area of contiguous ownership exceeds 15,000 square feet where *sensitive biological resources* or *steep hillsides* are present, as described in Section 143.0110.

(3) through (5) [No change in text.]

(b) through (e) [No change in text.]

**§126.0504 Findings for Site Development Permit Approval**

A Site Development Permit may be approved or conditionally approved only if the decision maker makes all of the *findings* in Section 126.0504(a) and the supplemental *findings* in Section 126.0504 (b) through (o) that are applicable to the proposed *development* as specified in this section.

(a) *Findings* for all Site Development Permits

(1) through (2) [No change in text.]

(3) The proposed *development* will comply with the regulations of the Land Development Code including any allowable deviations pursuant to the Land Development Code.

(b) through (c) [No change in text.]

(d) Supplemental *Findings*-Environmentally Sensitive Lands Deviation from Federal Emergency Management Agency Regulations

A Site Development Permit required in accordance with Section 143.0110 because of potential impacts to *environmentally sensitive lands* where a deviation is requested from the *Special Flood Hazard Area* regulations as specified in Section 143.0150(b) may be approved or conditionally approved only if the decision maker makes the following supplemental

*findings* in addition to the *findings* in Section 126.0504(a) and the supplemental *findings* in Sections 126.0504(b) and 126.0504(c):

- (1) The City Engineer has determined that the proposed *development* within a designated *floodway* will not result in an increase in *flood* levels during the base *flood* discharge except as allowed under Code of Federal Regulations Title 44, Chapter 1, Part 60.3(c)(13);

- (2) [No change in text.]

(e) through (k) [No change in text.]

- (l) Supplemental Findings – Deviation for Affordable Housing

[No change in text.]

- (1) through (2) [No change in text.]

- (3) The deviation is necessary to make it economically feasible for the *applicant* to utilize a *density* bonus authorized for the *development* pursuant to Section 143.0725.

(m) through (n) [No change in text.]

- (o) Supplemental Findings- *Public Right-of-Way* Encroachments. A Site Development Permit in accordance with Section 126.0502(d)(7) for any *encroachment* or object which is erected, placed, constructed, established or maintained in the *public right-of-way* when the *applicant* is not the *record owner* of the property on which the proposed *encroachment* will be located may be approved or conditionally approved only if the decision maker makes the following supplemental *findings* in addition to the *findings* in Section 126.0504(a):

- (1) through (5)[No change in text.]

Section 18. That Chapter 12, Article 6, Division 6 of the San Diego Municipal Code is amended by amending sections 126.0602 and 126.0604 to read as follows:

**§126.0602 When a Planned Development Permit May Be Requested**

- (a) The following types of *development* may be requested with a Planned Development Permit decided in accordance with Process Three.
  - (1) *Development* in accordance with Section 143.0465 where the applicable *land use plan* recommends a Planned Development Permit be processed if another discretionary action is also requested; or
  - (2) *Development* in accordance with Section 143.0403(a) that complies with the applicable *land use plan*, but contains uses that are not permitted in the underlying base zone.
- (b) The following types of *development* may be requested with a Planned Development Permit to be decided in accordance with Process Four.
  - (1) *Development* that does not comply with all base zone regulations or all development regulations (except as permitted in accordance with Section 126.0602(a)(2)), or that proposes to exceed limited deviations allowed by the regulations in Chapter 14, as described in Section 143.0410; or
  - (2) Rural Cluster *development* in the OR and AR zones, as described in Section 143.0402.
- (c) [No change in text.]

**§126.0604 Findings for Planned Development Approval**

A Planned Development Permit may be approved or conditionally approved only if the decision maker makes all of the *findings* in Section 126.0604(a) and the supplemental *findings* in Section 126.0604(b) that are applicable to the proposed *development* as specified in this section.

(a) Findings for all Planned Development Permits

- (1) [No change in text.]
- (2) The proposed *development* will not be detrimental to the public health, safety, and welfare; and
- (3) The proposed *development* will comply with the regulations of the Land Development Code including any proposed deviations pursuant to Section 126.0602(b)(1) that are appropriate for this location and will result in a more desirable project than would be achieved if designed in strict conformance with the development regulations of the applicable zone, and any allowable deviations that are otherwise authorized pursuant to the Land Development Code.

(b) [No change in text.]

Section 19. That Chapter 12, Article 6, Division 7 of the San Diego Municipal Code is amended by amending section 126.0708 to read as follows:

**§126.0708 Findings for Coastal Development Permit Approval**

An application for a Coastal Development Permit may be approved or conditionally approved only if the decision maker makes all of the *findings* in

Section 126.0708(a) and the supplemental *findings* in Section 126.0708(b) that are applicable to the proposed *development*.

(a) [No change in text.]

(b) Supplemental *Findings* - Deviations to Environmentally Sensitive Lands  
Within the Coastal Overlay Zone

When a deviation is requested from the Environmentally Sensitive Lands Regulations because the *applicant* contends that application of the regulations would result in denial of all economically viable use, the Coastal Development Permit shall include a determination of economically viable use.

A Coastal Development Permit, or a Site Development Permit in the Coastal Overlay Zone, required in accordance with Section 143.0110 because of potential impacts to *environmentally sensitive lands* where a deviation is requested in accordance with Section 143.0150 may be approved or conditionally approved only if the decision maker makes the following supplemental *findings* in addition to the *findings* in Section 126.0708(a) and the supplemental *findings* in Section 126.0504 (b):

The decision maker shall hold a public hearing on any application on a Coastal Development Permit that includes a deviation from the Environmentally Sensitive Lands Regulations in the Coastal Overlay Zone.

Such hearing shall address the economically viable use determination. Prior to approving a Coastal Development Permit for development within the Coastal Overlay Zone that requires a deviation from the Environmentally Sensitive Lands Regulations, the decision maker shall make all of the following *findings*:

(1) through (5) [No change in text.]

The *findings* adopted by the decision making authority shall identify the evidence supporting the *findings*.

Section 20. That Chapter 12, Article 9, Division 1 of the San Diego Municipal Code is amended by amending section 129.0119 to read as follows:

**§129.0119 Bond Required for Construction Permit for Grading or Public Improvements**

(a) Persons performing work under Public Right-of-Way or Grading Permits issued in accordance with this article shall furnish a bond in accordance with the following provisions:

(1) though (5) [No change in text.]

(6) The amount of the bond covering a specific project shall be approved by the City Manager based on the amount of the estimate of the cost of work and the following schedule:

(A) through (E) [No change in text.]

(F) Shoring Restoration: 100 percent of the estimated cost of restoring site to the original condition, together with removal of all tie backs and shoring.

(b) through (f) [No change in text.]

Section 21. That Chapter 12, Article 9, Division 2 of the San Diego Municipal Code is amended by amending sections 129.0203 and 129.0218 to read as follows:

**§129.0203 Exemptions from a Building Permit**

(a) through (c) [No change in text.]

- (d) The exemptions in Section 129.0203(a) do not apply to proposed *development on a premises containing environmentally sensitive lands* that requires a *development permit* in accordance with Section 143.0110.
- (e) Exemption from the permit requirements of the Building Regulations does not authorize any work to be done in any manner in violation of the provisions of the Building Regulations or any other applicable local or state regulations.

**§129.0218 Expiration of a Building Permit**

- (a) [No change in text.]
- (b) If the building or work authorized by a Building Permit has not received final inspection approval by the permit expiration date, all work shall stop until a new permit is issued or an extension of time is approved in accordance with Section 129.0219. All Electrical, Plumbing/Mechanical, Public Right-of-Way, and Grading Permits associated with a Building Permit shall expire concurrently with the Building Permit.

Section 22. That Chapter 12, Article 9, Division 6 of the San Diego Municipal Code is amended by amending sections 129.0643 and 129.0650 to read as follows:

**§129.0643 Maintaining Utilization of Grading Permit**

A Grading Permit shall become void if, at any time after the work has begun, the *grading* or other work authorized by the Grading Permit is suspended or abandoned for a continuous period of 180 calendar days, unless the Grading Permit is associated with a valid Building Permit.

**§129.0650     Expiration of a Grading Permit**

(a)     A Grading Permit shall expire by limitation and become void 24 months after the date of permit issuance, unless an exception is granted in one of the following ways:

(1) through (2) [No change in text.]

(3)     A Grading Permit associated with a valid Building Permit shall expire concurrently with the Building Permit.

(b)     [No change in text.]

Section 23. That Chapter 12, Article 9, Division 7 of the San Diego Municipal Code is amended by amending sections 129.0710, 129.0744 and 129.0750 to read as follows:

**§129.0710     How to Apply for a Public Right-of-Way Permit**

An application for a Public Right-of-Way Permit shall be submitted in accordance with Sections 112.0102 and 129.0105. The submittal requirements for Public Right-of-Way Permits are listed in the Land Development Manual. A *development permit* or other discretionary approval is required prior to issuance of a Public Right-of-Way Permit for the following:

(a)     [No change in text.]

(b)     If the proposed *encroachment* is erected, placed, constructed, established or maintained in the *public right-of-way* when the applicant is not the *record owner* of the property on which the *encroachment* will be located, a Site Development Permit is required in accordance with Section 126.0502(d)(7), except for the following:

(1) through (2) [No change in text.]

(3) Temporary monitoring wells in the *public right-of-way*.

(c) [No change in text.]

**§129.0744 Maintaining Utilization of a Public Right-of-Way Permit**

A Public Right-of-Way Permit shall become void if, at any time after the work has begun, the work authorized by the permit is suspended or abandoned for a period of 180 calendar days, unless the Public Right-of-Way Permit is associated with a valid Building Permit.

**§129.0750 Expiration of a Public Right-of-Way Permit**

(a) A Public Right-of-Way Permit shall expire by limitation and become void 24 months after the date of permit issuance, unless an exception is granted in one of the following ways:

(1) through (2) [No change in text.]

(3) A Public Right-of-Way Permit associated with a valid Building Permit shall expire concurrently with the Building Permit.

(b) [No change in text.]

Section 24. That Chapter 13, Article 1, Division 1 of the San Diego Municipal Code is amended by amending section 131.0112 and by adding a new section 131.0145 to read as follows:

**§131.0112 Descriptions of Use Categories and Subcategories**

(a) [No change in text.]

(1) through (5) [No change in text.]

(6) Commercial Services Use Category

This category includes uses that provide for consumer or business services, for the repair and maintenance of a wide variety of products, and for entertainment. The commercial services subcategories are:

(A) through (E) [No change in text.]

(F) Instructional Studios - Uses that provide a place where skills including dance, art, and martial arts are taught to individuals or groups. Instructional studios do not include educational facilities.

(G) Maintenance and Repair - Uses that provide maintenance, cleaning and repair services for consumer goods.

(H) Off-Site Services - Uses that provide for deliveries of a wide variety of products and that provide services that are used at a location separate from the business providing the delivery or service.

(I) Personal Services - Uses that provide a variety of services associated with personal grooming and the maintenance of health and well-being.

(J) Assembly and Entertainment - Uses that provide gathering places for large numbers of people for recreation, physical fitness, entertainment, or other assembly.

(K) Radio and Television Studios - Uses that provide for the production, recording, and broadcasting of radio and television shows and motion pictures.

- (L) Visitor Accommodations - Uses that provide lodging, or a combination of lodging, food, and entertainment, primarily to visitors and tourists. (Outside the Coastal Overlay Zone, includes *single room occupancy hotels*.)

(7) through (11) [No change in text.]

- (b) [No change in text.]

**§131.0145 Applicability of Chapter 14 Regulations**

The following regulations in Chapter 14 apply to *development* in all base zones:

General Development Regulations (Chapter 14, Article 2)

Supplemental Development Regulations (Chapter 14, Article 3)

Subdivision Regulations (Chapter 14, Article 4)

Building Regulations (Chapter 14, Article 5)

Electrical Regulations (Chapter 14, Article 6)

Plumbing Regulations (Chapter 14, Article 7)

Mechanical Regulations (Chapter 14, Article 8)

Section 25. That Chapter 13, Article 1, Division 2 of the San Diego Municipal Code is amended by amending section 131.0222 to read as follows:

**§131.0222 Use Regulations Table for Open Space Zones**

The uses allowed in the open space zones are shown in Table 131-02B.

**Legend for Table 131-02B** [No change in text.]

**Table 131-02B**  
**Use Regulations Table for Open Space Zones**

Use Categories/Subcategories  [See Section 131.0112 for an explanation and descriptions of the Use Categories, Subcategories, and Separately Regulated Uses]	Zone Designator	Zones					
	1st & 2nd >>	OP-		OC-	OR <sup>(1)</sup> -		OF <sup>(11)</sup> -
	3rd >>	1-	2-	1-	1-		1-
	4th >>	1	1	1	1	2	1
Open Space through Funeral & Mortuary Services [No change in text.]							
Instructional Studios		-		-		-	-
Maintenance & Repair through Separately Regulated Commercial Services Uses, Bed and Breakfast Establishments [No change in text.]							
Boarding Kennels/Pet Day Care		[No change in text.]					
Camping Parks through Helicopter Landing Facilities [No change in text.]							
Massage Establishments, Specialized Practice through Signs [No change in text.]							

Footnotes for Table 131-02B [ No change in text.]

Section 26. That Chapter 13, Article 1, Division 3 of the San Diego Municipal Code is amended by amending section 131.0322 to read as follows:

**§131.0322 Use Regulations Table for Agricultural Zones**

The uses allowed in the agricultural zones are shown in Table 131-03B.

**Legend for Table 131-03B** [No change in text.]

**Table 131-03B**  
**Use Regulations Table of Agricultural Zones**

Use Categories/Subcategories [See Section 131.0112 for an explanation and descriptions of the Use Categories, Subcategories, and Separately Regulated Uses]	Zone Designator	Zones			
	1st & 2nd >>	AG		AR	
	3rd >>	1-		1-	
	4th >>	1	2	1	2
Open Space through Funeral & Mortuary Services [No change in text.]					
Instructional Studios		-		-	
Maintenance & Repair through Separately Regulated Commercial Services Uses, Bed and Breakfast Establishments [No change in text.]					
Boarding Kennels/Pet Day Care		[No change in text.]			
Camping Parks through Helicopter Landing Facilities [No change in text.]					
Massage Establishments, Specialized Practice through Signs [No change in text.]					

Footnotes for Table 131-03B [No change in text.]

Section 27. That Chapter 13, Article 1, Division 4 of the San Diego Municipal Code is amended by amending sections 131.0422, 131.0431, 131.0443, 131.0446, 131.0448, and 131.0461; by renumbering Diagram 131-04S to 131-04T, Diagram 131-04T to 131-04U, Diagram 131-04U to 131-04V and Diagram 131-04V to 131-04W to read follows:

**§131.0422 Use Regulations Table for Residential Zones**

The uses allowed in the residential zones are shown in Table 131-04B.

**Legend for Table 131-04B** [No change in text.]

Use Categories/ Subcategories [See Section 131.0112 for an explanation and descriptions of the Use Categories, Subcategories, and Separately Regulated Uses]	Zone Designator	Zones											
	1st & 2nd >>	RM-											
	3rd >>	1-			2-			3-			4-		5-
	4th >>	1	2	3	4	5	6	7	8	9	10	11	12
<b>Open Space through Separately Regulated Residential Uses, Garage, Yard, &amp; Estate Sales</b> [No change in text.]													
Guest Quarters		L <sup>11</sup>			-			-			-		-
<b>Home Occupations through Commercial Services, Funeral &amp; Mortuary Services</b> [No change in text.]													
<b>Instructional Studios</b>		P			P			P			P		P
<b>Maintenance &amp; Repair through Separately Regulated Commercial Uses, Adult Entertainment Establishments through Bed and Breakfast Establishments</b> [No change in text.]													
<b>Boarding Kennels/Pet Day Care</b>		[No change in text.]											
<b>Camping Parks through Helicopter Landing Facilities</b> [No change in text.]													
<b>Massage Establishments, Specialized Practice through <i>Signs</i></b> [No change in text.]													

Footnotes for Table 131-04B

Footnotes 1 through 10 [No change in text.]

- 11 A guest quarters or habitable accessory building is permitted in accordance with Section 141.0306 only as an *accessory use* to a *single dwelling unit*.

**Table 131-04B**  
**Use Regulations Table of Residential Zones**

Use Categories/ Subcategories [See Section 131.0112 for an explanation and descriptions of the Use Categories, Subcategories, and Separately Regulated Uses]	Zone Designator	Zones																							
	1 <sup>st</sup> & 2nd >>	RE-			RS-														RX-		RT-				
	3rd >>	1-			1-														1-		1-				
	4th >>	1	2	3	1	2	3	4	5	6	7	8	9	10	11	12	13	14	1	2	1	2	3	4	
Open Space through Institutional, Separately Regulated Institutional Uses, Airports through Major Transmission, Relay, or Communications Switching Stations [No change in text.]																									
Satellite Antennas		[No change in text.]																							
Social Service Institutions through Commercial Services, Funeral & Mortuary Services [No change in text.]																									
Instructional Studios		-	-														-	-							
Maintenance & Repair, Separately Regulated Commercial Services Uses, Adult Entertainment Establishments through Bed and Breakfast Establishments [No change in text.]																									
Boarding Kennels/Pet Day Care		[No change in text.]																							
Camping Parks through Helicopter Landing Facilities [No change in text.]																									
Massage Establishments, Specialized Practice through Signs [No change in text.]																									

**§131.0431 Development Regulations Table of Residential Zones**

The following development regulations apply in the residential zones as shown in the Table 131-04C, 131-04D, 131-04E, 131-04F and 131-04G.

## (a) RE Zones

**Table 131-04C  
Development Regulations of RE Zones**

Development Regulations [See Section 131.0430 for Development Regulations of Residential Zones]	Zone designator	Zones		
	1st & 2nd >>	RE-		
	3rd >>	1-	1-	1-
	4th >>	1	2	3
<b>Max permitted <i>density</i></b> through <b>Max paving/ hardscape</b> [No change in text.]				
<b>Accessory uses and structures</b> [See Sections 131.0448 and 141.0306]		applies	applies	applies
<b>Garage regulations through Refuse and Recyclable Material Storage</b> [No change in text.]				

## (b) RS Zones

**Table 131-04D**  
**Development Regulations of RS Zones**

Development Regulations [See Section 131.0430 for Development Regulations of Residential Zones]	Zone Designator	Zones						
	1st & 2nd >>	RS-						
	3rd >>	1-	1-	1-	1-	1-	1-	1-
	4th >>	1	2	3	4	5	6	7
Max permitted <i>density</i> through <i>Max paving/ hardscape</i> [No change in text.]								
Accessory uses and structures [See Sections 131.0448 and 141.0306]		[No change in text.]						
Garage regulations through Refuse and Recyclable Material Storage [No change in text.]								

Development Regulations [See Section 131.0430 for Development Regulations of Residential Zones]	Zone Designator	Zones						
		RS-						
	1 <sup>st</sup> & 2nd >>	1-	1-	1-	1-	1-	1-	1-
	3rd >>	8	9	10	11	12	13	14
	4th >>							
Max permitted <i>density</i> through <i>Max paving/ hardscape</i> [No change in text.]								
Accessory uses and structures [See Sections 131.0448 and 141.0306]		applies	applies	applies	applies	applies	applies	applies
Garage regulations through Refuse and Recyclable Material Storage [No change in text.]								

Footnotes for Table 131-04D

- 1 [No change in text.]
- 2 The required side *setbacks* may be reallocated where the combined dimension of each side *setback* would meet or exceed the combined total required in Table 131-04D. A side *setback* shall not be reduced to less than 4 feet, and *street side setback* shall not be reduced to less than 10

feet. Once a side *setback* is established, all additions to the primary *structure* thereafter shall maintain the established side *setback*.

Footnotes 3 through 7 [No change in text.]

(c) RX Zones

**Table 131-04E**  
**Development Regulations of RX Zones**

Development Regulations [See Section 131.0430 for Development Regulations of Residential Zones]	Zone designator	Zones	
	1st & 2nd >>	RX-	
	3rd >>	1-	1-
	4th >>	1	2
<b>Maximum permitted <i>density</i> through <i>Max floor area ratio</i></b> [No change in text.]			
<b>Accessory uses and structures</b> [See Sections 131.0448 and 141.0306]	[No change in text.]		
<b>Garage regulations through Refuse and Recyclable Material Storage</b> [No change in text.]			

Footnote for Table 131-04E [No change in text.]

(d) RT Zones

**Table 131-04F  
Development Regulations of RT Zones**

<b>Development Regulations</b> [See Section 131.0430 for Development Regulations of Residential Zones]	<b>Zone Designator</b>	<b>Zones</b>			
	1st & 2nd >>	RT-			
	3rd >>	1-	1-	1-	1-
	4th >>	1	2	3	4
<b>Maximum permitted <i>density</i> through <i>Max floor area ratio</i></b> [No change in text.]					
<b>Accessory uses and structures</b> [See Sections 131.0448 and 141.0306]		[No change in text.]			
<b>Garage regulations through Refuse and Recyclable Material Storage</b> [No change in text.]					

## (e) RM Zones

**Table 131-04G  
Development Regulations of RM Zones**

<b>Development Regulations</b> [See Section 131.0430 for Development Regulations of Residential Zones]	<b>Zone Designator</b>	<b>Zones</b>					
	1st & 2nd >>	RM-					
	3rd >>	1-	1-	1-	2-	2-	2-
	4th >>	1	2	3	4	5	6
<b>Maximum permitted <i>density</i> through <i>Max floor area ratio</i></b> [No change in text.]							
<b>Accessory uses and structures</b> [See Section 131.0448]		[No change in text.]					
<b>Lot consolidation regulations through Refuse and Recyclable Material Storage</b> [No change in text.]							

<b>Development Regulations</b> [See Section 131.0430 for Development Regulations of Residential Zones]	<b>Zone Designator</b>	<b>Zones</b>					
	1st & 2nd >>	<b>RM</b>					
	3rd >>	3-	3-	3-	4-	4-	5
	4th >>	7	8	9	10	11	12
<b>Maximum permitted density</b> through <i>Max floor area ratio</i> [No change in text.]							
<b>Accessory uses and structures</b> [See Section 131.0448]	[No change in text.]						
<b>Lot consolidation regulations</b> through <b>Refuse and Recyclable Material Storage</b> [No change in text.]							

Footnotes for Table 131-04G

1 through 16 [No change in text.]

17 See Section 131.0444(e)

18 See Section 131.0444(f)

19 though 36 [No change in text.]

#### **§131.0443 Setback Requirements in Residential Zones**

(a) through (h) [No change in text.]

#### **§131.0446 Maximum Floor Area Ratio in Residential Zones**

(a) through (d) [No change in text.]

(e) In the RM-1-2, RM-1-3, RM-2-4, RM-2-5, and RM-2-6 zones, a minimum of one-fourth of the permitted *floor area ratio* shall be reserved for required parking. If underground parking is provided, an area equal to the *gross floor area* of the underground parking may be added to the

maximum *gross floor area* permitted for non-parking uses. The maximum *floor area ratio* for all *structures* on the *premises*, excluding underground parking structures, shall not exceed the maximum permitted *floor area ratio* for the zone as identified in Table 131-04G.

- (f) In the RM-3-7, RM-3-8, RM-3-9, RM-4-10, RM-4-11, and RM-5-12 zones, a minimum of one-third of the permitted *floor area ratio* shall be reserved for required parking. If underground parking is provided, an area equal to the *gross floor area* of the underground parking may be added to the maximum *gross floor area* permitted for non-parking uses. The maximum *floor area ratio* for all *structures* on the *premises*, excluding underground parking structures, shall not exceed the maximum permitted *floor area ratio* for the zone as identified in Table 131-04G.

- (g) [No change in text.]

**§131.0448 Accessory Buildings in Residential Zones**

This section is intended to clarify the regulations applicable to non-habitable *accessory buildings* in residential zones.

- (a) Multiple *accessory buildings* are permitted on a *premises*. However, the square footage of all non-habitable *accessory buildings* excluding garages cannot exceed 25 percent of the allowable *gross floor area* of the *premises*.
- (b) Non-habitable *accessory buildings* or garages may not be used for living or sleeping purposes. A non-habitable *accessory building* or garage may have electrical, gas, water, and sewer connections to provide the following activities:

- (1) Lighting, washing machines, dryers, laundry tubs, and hot water heater;
  - (2) A one-half bathroom, limited to a water closet and a lavatory sink; and
  - (3) A shower, provided the property owner signs an agreement recorded with the County Recorder and processed through the City Manager stating that the building will not be used for living or sleeping purposes.
- (c) Non-habitable *accessory buildings* or detached garages may encroach into required *yards* subject to the requirements in Section 131.0461.
- (d) Habitable *accessory buildings* may be permitted as follows:
- (1) As an *accessory building* to a *single dwelling unit* in accordance with Sections 141.0302 or 141.0306; or
  - (2) As an *accessory building* to a *multiple dwelling unit development* to provide common area facilities for the property owners, tenants, and their guests in accordance with the underlying base zone.

**§131.0461 Architectural Projections and Encroachments in Residential Zones**

- (a) The following are permitted *architectural projections* and *encroachments* into required *yards* and the angled *building envelope* plane for RS and RX zones and the RM-1-1, RM-1-2, and RM-1-3 zones. These projections and *encroachments* are not permitted in the required *yards* within view corridors that are designated by *land use plans* in the Coastal Overlay Zone and may not be located in a required *visibility area* or a required

turning radius or vehicle back-up area except where development regulations may allow.

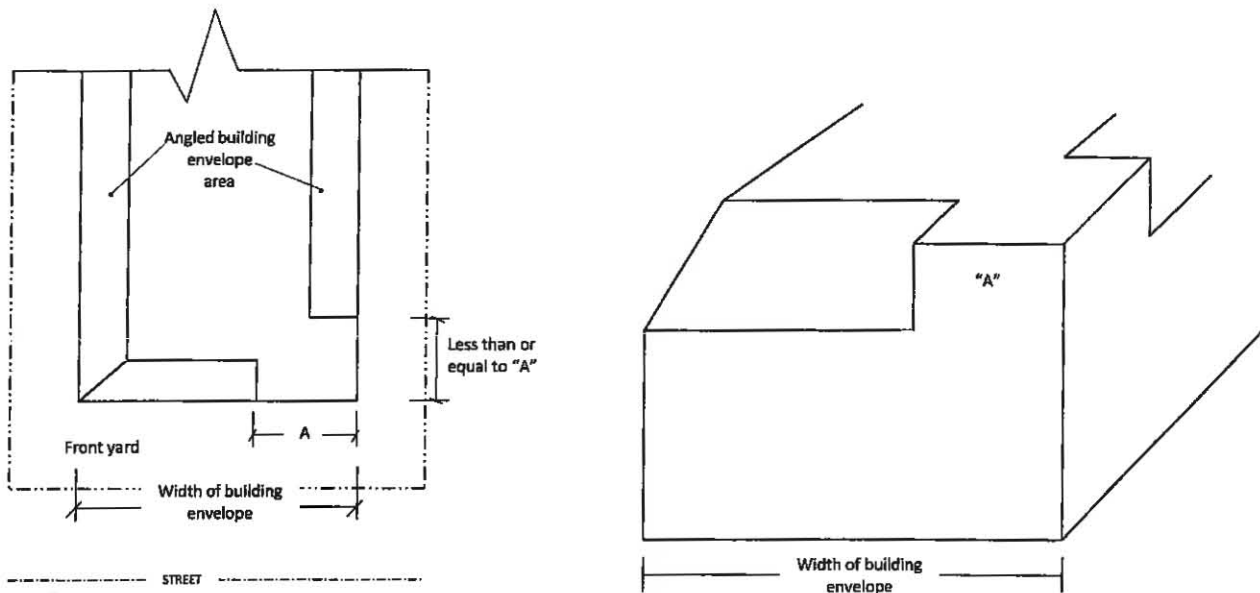
- (1) Roof projections such as eave, cornice, and eyebrow projections may extend into the required *yard* or into the space above the angled *building envelope* subject to the following:

- (A) through (C) [No change in text.]

- (D) The projection into the space above the angled *building envelope* is limited to a maximum of 33 percent of the width of the *building envelope* facing the front *yard*, and a maximum depth equal to or less than its width. See Diagram 131-04S.

**Diagram 131-04S**

**Exception for Angled Building Envelope Area**



Note: "A" shall not exceed 33% of the width of the building envelope

- (2) Openly supported *architectural projections*, including trellises, may encroach into required *yards*, as shown in Diagram 131-04T, subject to the following:

(A) through (F) [No change in text.]

**Diagram 131-04T**

**Openly Supported Architectural Projections**

[No change to diagram.]

- (3) Bay windows may project into required *yards*, as shown in Diagram 131-04U, subject to the following requirements:

(A) through (E) [No change in text.]

**Diagram 131-04U**

**Bay Window Yard Projections**

[No change to diagram.]

- (4) [No change in text.]
- (5) Mechanical equipment such as air conditioner units, gas meters, electrical fuse boxes, or pool equipment and associated utility enclosures may encroach into required side and rear *yards* subject to the following requirements:
  - (A) through (B) [No change in text.]
  - (C) Except that no *setback* shall be required for air conditioner units within a side or rear *yard* where sound attenuation features are incorporated and demonstrated to comply with applicable sound level limits in accordance with Section 59.5.0401.
- (6) Entry roofs and porches may encroach into the required front and *street side yards* subject to the following requirements:
  - (A) The *encroachment* shall not exceed 6 feet or 50 percent of the width of the required *yard*, whichever is less;
  - (B) The height of the entry roof shall not exceed 15 feet above *grade*;
  - (C) The width of the *encroachment* shall not exceed 10 feet or 50 percent of the width of the habitable portion of the building elevation, whichever is greater; and

(D) Porches shall be maintained with at least two elevations that are at least 40 percent open.

(7) Entry arbors may encroach into required front and *street* side yards, as shown in Diagram 131-04V, subject to the following requirements

(A) through (H) [ No change in text.]

**Diagram 131-04V**

**Entry Arbor Yard Projections**

[No change to diagram.]

**Diagram 131-04W**

**Dormer Projection into Angled Building Envelope Plane**

[No change to diagram.]

(8) through (11) [No change in text.]

(12) Detached garages or non-habitable *accessory buildings* may encroach into a required side or rear yard as follows:

(A) through (D) [No change in text.]

(b) through (c) [ No change in text.]

Section 28. That Chapter 13, Article 1, Division 5 of the San Diego Municipal Code is amended by amending sections 131.0522, 131.0531, and 131.0543 to read as follows:

**§131.0522 Use Regulations Table of Commercial Zones**

The uses allowed in the commercial zones are shown in Table 131-05B.

**Legend of Table 131-05B**

[No change in text.]

**Table 131-05B**  
**Use Regulations Table for Commercial Zones**

Use Categories/Subcategories  [See Section 131.0112 for an explanation and descriptions of the Use Categories, Subcategories, and Separately Regulated Uses]	Zone Designator	Zones									
	1st & 2nd >>	CN <sup>(1)</sup> -			CR-		CO-		CV-		CP-
	3rd >>	1-			1-	2-	1-		1-	2	1-
	4th >>	1	2	3	1	1	1	2	1	2	1
<b>Open Space through Retail Sales, Food, Beverages and Groceries</b> [No change in text.]											
<b>Consumer Goods, Furniture, Appliances, Equipment</b>		P <sup>(11)</sup>			P <sup>(11)</sup>	P <sup>(11)</sup>	P <sup>(3,11)</sup>		P <sup>(13)</sup>		-
<b>Pets &amp; Pet Supplies through Commercial Services, Funeral &amp; Mortuary Services</b> [No change in text.]											
<b>Instructional Studios</b>		P			P	P	P		P <sup>(12)</sup>		-
<b>Maintenance &amp; Repair through Separately Regulated Commercial Services, Bed &amp; Breakfast Establishments 6+ Guest Rooms</b> [No change in text.]											
<b>Boarding Kennels/Pet Day Care Facilities</b>		L			L	L	N		N <sup>(10)</sup>		-
<b>Camping Parks through Helicopter Landing Facilities</b> [No change in text.]											
<b>Massage Establishments, Specialized Practice</b>		L			L	L	-		L <sup>(14)</sup>		-
<b>Nightclubs &amp; Bars over 5,000 square feet in size through Urgent Care Facilities</b> [No change in text.]											
<b>Veterinary Clinics &amp; Animal Hospitals</b>		L			L	L	N		-		-
<b>Zoological Parks</b> [No change in text.]											
<b>Offices through Signs</b> [No change in text.]											

Use Categories/Subcategories  [See Section 131.0112 for an explanation and descriptions of the Use Categories, Subcategories, and Separately Regulated Uses]	Zone Designator	Zones																			
	1st & 2nd >>	CC-																			
	3rd >>	1-		2-		3-		4-		5-											
	4th >>	1	2	3	1	2	3	4	5	1	2	3	4	5	1	2	3	4	5		
Open Space through Commercial Services, Funeral & Mortuary Services [No change in text.]																					
Maintenance & Repair through Separately Regulated Commercial Services, Bed & Breakfast Establishments 6+ Guest Rooms [No change in text.]																					
Instructional Studios		<u>P</u>		<u>P</u>		<u>P</u>		<u>P</u>		<u>P</u>											
Boarding Kennels/Pet Day Care Facilities		L		L		L		L		L											
Camping Parks through Helicopter Landing Facilities [No change in text.]																					
Massage Establishments, Specialized Practice		L		L		L		L		L											
Nightclubs & Bars over 5,000 square feet in size through Urgent Care Facilities [No change in text.]																					
Veterinary Clinics & Animal Hospitals		L		L		L		L		L											
Zoological Parks through <i>Signs</i> [No change in text.]																					

**Footnotes to Table 131-05B**

Footnotes 1 through 11 [No change in text.]

- 12 Within the Coastal Overlay Zone, instructional studios are not permitted on the ground *floor* in the CV-1-1 or CV-1-2 zone.
- 13 Permitted in CV zones where the *gross floor area* occupied by an individual retail sales establishment would not exceed 2,500 square feet.
- 14 Specialized practice massage establishments are permitted only as an *accessory use* in the CV-1-1 and CV-1-2 zones.

**131.0531 Development Regulations Tables of Commercial Zones**

The following development regulations apply in each of the commercial zones as shown in Tables 131-05C, 131-05D, and 131-05E.

**(a) CN Zones**

**Table 131-05C  
Development Regulations of CN Zones**

Development Regulations  [See Section 131.0530 for Development Regulations of Commercial Zones]	Zone designator	Zones		
	1st & 2nd >>	CN-		
	3rd >>	1-	1-	1-
	4th >>	1	2	3
<b>Max permitted residential density through Refuse and Recyclable Material Storage</b> [No change in text.]				
<b>Loading Dock and Overhead Door Screening Regulations</b> [See Section 142.1030]		applies	applies	applies

Footnotes for Table 131-05C

Footnotes 1 through 3 [No change in text.]

**(b) CR, CO, CV, and CP Zones**

**Table 131-05D**  
**Development Regulations of CR, CO, CV, CP Zones**

<b>Development Regulations</b>  [See Section 131.0530 for Development Regulations of Commercial Zones]	<b>Zone Designator</b>	<b>Zones</b>					
	1st & 2nd >>	<b>CR-</b>	<b>CO-</b>		<b>CV-</b>		<b>CP-</b>
	3rd >>	1- 2-	1-		1-		1-
	4th >>	1	1	2	1	2	1
<b>Max permitted residential density through Refuse and Recyclable Material Storage</b> [No change in text.]							
<b>Loading Dock and Overhead Door Screening Regulations</b> [See Section 142.1030]		applies	applies	applies	applies	applies	applies

Footnotes For Table 131-05D

Footnotes 1 through 4 [No change in text.]

## (c) CC Zones

**Table 131-05E**  
**Development Regulations of CC Zones**

<b>Development Regulation</b>  [See Section 131.0530 for Development Regulations of Commercial Zones]	<b>Zone Designator</b>	<b>Zones</b>														
	1st & 2nd >>	<b>CC-</b>														
	3rd >>	1- 2- 4- 5-	1- 2- 4- 5-	1- 2- 4- 5-	3- 4- 5-	3- 4- 5-	3- 4- 5-	3- 4- 5-	3- 4- 5-	3- 4- 5-	3- 4- 5-	3- 4- 5-	3- 4- 5-	3- 4- 5-	3- 4- 5-	3- 4- 5-
	4th >>	1	2	3	4	5										
<b>Max permitted residential density through Refuse and Recyclable Material Storage</b> [No change in text.]																
<b>Loading Dock and Overhead Door Screening Regulations</b> [See Section 142.1030]		applies	applies	applies	applies	applies										

Footnotes for Table 131-05E

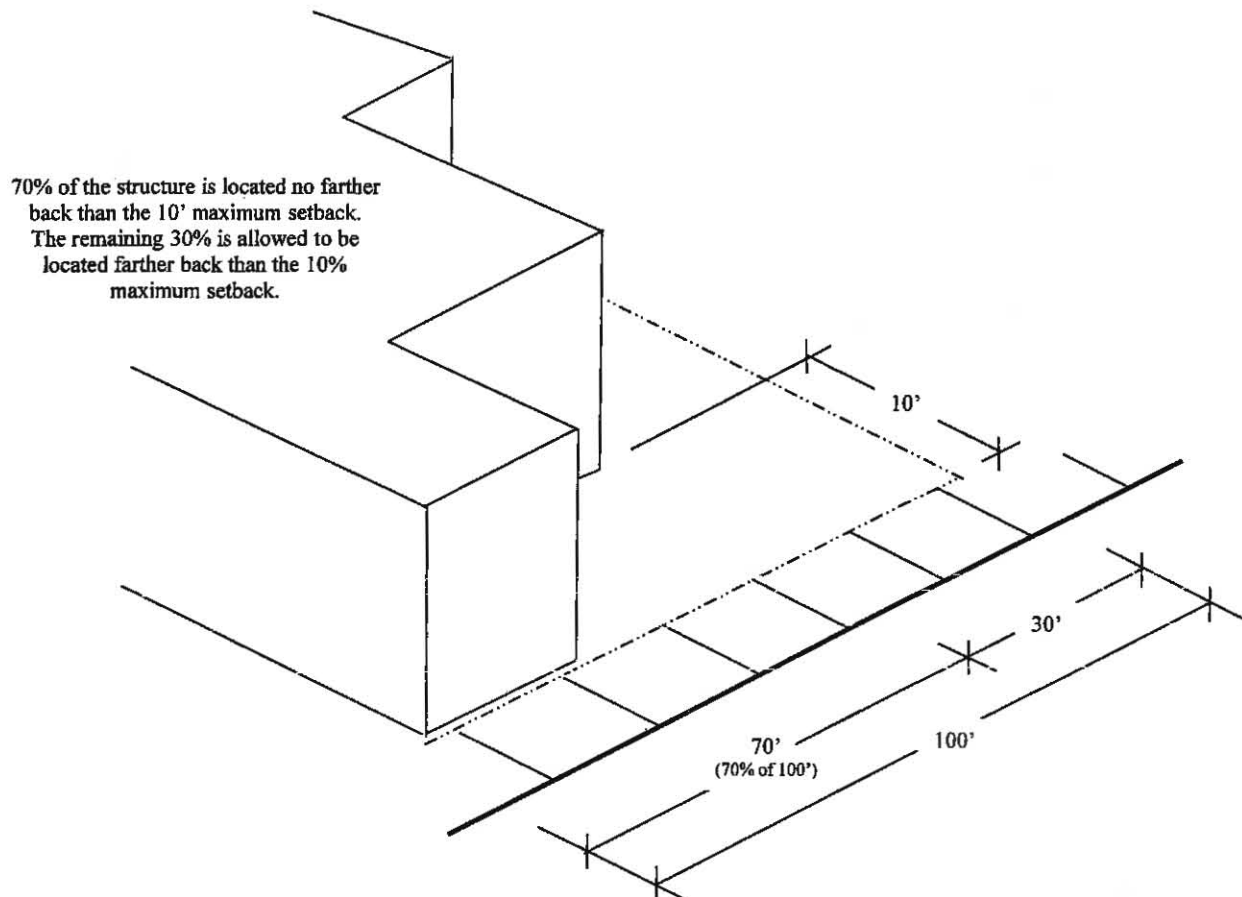
Footnotes 1 through 4 [No change in text.]

**§131.0543 Setback Requirements for Commercial Zones**

[No change in text.]

- (a) [No change in text.]
  - (1) [No change in text.]
  - (2) In the CN, CO, CV, and CC zones with a maximum front or *street side setback* as shown in Tables 131-05C, 131-05D, and 131-05E, the maximum *setback* shall apply to only 70 percent of the *street frontage*. The remaining 30 percent is not required to observe the maximum *setback* and may be located farther from the *property line*. See Diagram 131-05B.

**Diagram 131-05B**  
**Maximum Setback Requirement**



(3) [No change in text.]

(b) through (c) [No change in text.]

Section 29. That Chapter 13, Article 1, Division 6 of the San Diego Municipal Code is amended by amending sections 131.0622, 131.0631, and deleting section 131.0660 to read as follows:

**§131.0622 Use Regulations Table for Industrial Zones**

The uses allowed in the industrial zones are shown in Table 131-06B.

**Legend for Table 131-06B**

[No change in text.]

**Table 131-06B**  
**Use Regulations Table for Industrial Zones**

Use Categories/ Subcategories  [See Section 131.0112 for an explanation and descriptions of the Use Categories, Subcategories, and Separately Regulated Uses]	Zone Designator		Zones								
	1st & 2nd >		IP-		IL-			IH-		IS-	
	3rd >>		1-	2-	1-	2-	3-	1-	2-	1-	
	4th >>		1	1	1	1	1	1	1	1	
<b>Open Space through Separately Regulated Institutional Uses, Cemeteries, Mausoleums, Crematories</b> [No change in text.]											
<i>Churches &amp; Places of Religious Assembly</i>			-	C	-	C	L	-	-	C	
<b>Correctional Placement Centers through Commercial Services, Funeral &amp; Mortuary Services</b> [No change in text.]											
<b>Instructional Studios</b>			-	-	-	-	P <sup>(16)</sup>	-	-	P	
<b>Maintenance &amp; Repair through Personal Services</b> [No change in text.]											
<b>Assembly &amp; Entertainment</b>			-	-	-	P <sup>(11, 16)</sup>	P <sup>(16)</sup>	-	-	P <sup>(12, 16)</sup>	
<b>Radio &amp; Television Studios through Separately Regulated Commercial Services; Bed &amp; Breakfast Establishments: 6+ Guest Rooms</b> [No change in text.]											
<b>Boarding Kennels/Pet Day Care Facilities</b>			-	N	N	L	L	N	N	N	
<b>Camping Parks through Helicopter Landing Facilities</b> [No change in text.]			C	C	C	C	C	C	C	C	
<b>Massage Establishments, Specialized Practice through Temporary Parking Facilities</b> [No change in text.]											
<b>Private Clubs, Lodges and Fraternal Organizations</b>			-	C	C	C	C	C	C	C	
<b>Privately Operated, Outdoor Recreation Facilities over 40,000 square feet in size through Urgent Care Facilities</b> [No change in text.]											
<b>Veterinary Clinics &amp; Animal Hospitals</b>			-	N	N	L	L	N	N	N	
<b>Zoological Parks through Signs</b> [No change in text.]											

**Footnotes for Table 131-06B**

Footnotes 1-15 [No change in text.]

- 16 Instructional Studios and Assembly and Entertainment facilities are not permitted on a *premises* that is identified as Prime Industrial Land in a *land use plan*.

### **§131.0631 Development Regulations Table for Industrial Zones**

The following development regulations apply in the industrial zones as shown in Table 131-06C.

**Table 131-06C  
Development Regulations for Industrial Zones**

Development Regulations [See Section 131.0630 for Development Regulations of Industrial Zones]	Zone Designator	Zones									
	1st & 2nd >>  3rd >>  4th >>	IP-		IL-			IH-		IS-		
		1-	2-	1-	2-	3-	1-	2-	1		
		1		1			1		1		
Lot Area through Refuse and Recyclable Material Storage [No change in text.]											
Loading Dock and Overhead Door Screening Regulations [See Section 142.1030]		applies		applies			applies		applies		

#### **Footnotes for Table 131-06C**

Footnotes 1 through 9 [No change in text.]

Section 30. That Chapter 13, Article 2, Division 14 of the San Diego Municipal Code is amended by amending section 132.1402 to read as follows:

### **§132.1402 Where the Community Plan Implementation Overlay Zone Applies**

- (a) [No change in text.]

**Table 132-14A**  
**Community Plans with Property in the Community Plan Implementation Overlay Zone**

<b>Community Plan</b>	<b>Map Number Showing Boundaries of CPIOZ Area</b>
Clairemont Mesa (See Diagram 132.14A)	C-771.1, B-3951
College Area	C-761.1
Linda Vista (See Diagram 132-14C)	C-750
Midway/Pacific Highway Corridor (See Diagram 132-14D)	C-782
Navajo (See Diagram 132-14E)	C-779
Pacific Beach (See Diagram 132-14F)	B-3737I, B-3857
Peninsula (See Diagram 132-14G)	C-744, C-781
Rancho Bernardo (See Diagram 132-14H)	C-773.1
Rancho Penasquitos (See Diagram 132-14I)	B-4025
Skyline Paradise Hills (See Diagram 132-14L)	B-4272
Southeastern San Diego (See Diagram 132-14M)	B-4272
University (See Diagram 132-14J)	C-725, C-751.2
Uptown (See Diagram 132.14K)	C-780.2

(b) [No change in text.]

**Table 132-14B** [No change in text.]

Section 31. That Chapter 14, Article 1, Division 3 of the San Diego Municipal Code is amended by amending sections 141.0302, 141.0304, and 141.0306 to read as follows:

**§141.0302 Companion Units**

A companion unit is a *dwelling unit* that is an *accessory use* for a *single dwelling unit* on a residential *lot* that provides complete living facilities, including a kitchen, independent of the primary *dwelling unit*. Companion units are permitted as a limited use in accordance with Process One in the zones indicated with an “L” in the Use Regulations Tables in Chapter 13, Article 1 (Base Zones) and

Chapter 15, Article 1, Division 4 (General and Supplemental Regulations),  
subject to the following regulations:

- (a) Before a Building Permit may be issued for a companion unit, the *record owner* shall enter into an agreement with the City in a form that is acceptable to the City Attorney. The agreement shall include the following provisions: that neither the primary *dwelling unit* nor the companion unit may be sold or conveyed separately and that the *record owner* shall reside in the primary *dwelling unit* or the companion unit. The City will submit the agreement to the County Recorder for recordation. The agreement shall run with the land and be coterminous with the life of the companion unit.
- (b) No more than one companion unit is permitted on a *premises*.
- (c) Within a *multiple dwelling unit* zone, a companion unit is permitted on any *premises* that would otherwise be limited to a maximum of one *single dwelling unit* based on the allowable *density* and existing area of the *premises*. *Dwelling units* on a *premises* that can accommodate *density* for *multiple dwelling units* shall be regulated in accordance with applicable zoning and not subject to Section 141.0302.
- (d) A companion unit may be attached to or detached from the primary *dwelling unit* on the *premises*.
- (e) If access from an improved abutting *alley* exists, vehicular access to parking spaces for the companion unit shall be from the *alley* unless the *premises* has a garage that accommodates all *off-street parking* required in accordance with this section, except for *premises* located in the Beach

Impact Area or any other zones in which vehicular access from the alley is required.

- (f) If an existing garage is converted to a companion unit, another garage shall be provided on the *premises* to replace the converted parking spaces.
- (g) Parking for the entire *premises* shall be brought into compliance with Chapter 14, Article 2, Division 5 (Parking Regulations) and with this section.
- (h) One standard *off-street parking space* is required for each *bedroom* in the companion unit, with a minimum requirement of one *parking space* per companion unit.
- (i) Off-street *parking* required by this section shall not be located in the area between the *street wall* and the front *property line*.
- (j) Access to the *off-street parking* from an unimproved *alley* is not permitted.
- (k) The *gross floor area* of the companion unit shall be included in the *floor area ratio* calculation for the *premises*.
- (l) The *gross floor area* of the companion unit shall not exceed 700 square feet.
- (m) One 24-inch box tree shall be planted in the required front *yard* of the *premises* or in the abutting *parkway*. Existing trees that are at least 15 feet high and 15 feet in width may be used to satisfy this requirement.
- (n) Maximum *structure height* for companion units:
  - (1) For companion units located above a garage or other *accessory building*:

- (A) The maximum *structure height* for flat-roofed *structures* is 21 feet; and
  - (B) The maximum *structure height* is 30 feet for sloped-roofed *structures* with a roof pitch of at least 3:12 (3 vertical feet to 12 horizontal feet).
- (2) For detached companion units, not above a garage or other *accessory building*:
- (A) 15 feet without a chimney or flue, or
  - (B) 17 feet with a chimney or flue.
- (o) Companion unit entrances shall not be located on the building *street wall* or within the front 50 percent of the *structure*.
- (p) The companion unit shall be constructed with the same siding and roofing materials as the primary *dwelling unit*.
- (q) Within the Coastal Overlay Zone, companion units are subject to the provisions of Chapter 12, Article 6, Division 7.

**§141.0304 Fraternity Houses, Sorority Houses, and Student Dormitories**

[No change in text.]

- (a) Fraternity houses, sorority houses, and student dormitories may be permitted only in the following locations:
- (1) Within an area specifically designated for these facilities by the applicable *land use plan*, or
  - (2) When the applicable *land use plan* does not contain a designated area, such facilities may be located within a 1-mile radius of the

boundary of a college or university campus, in any of the following zones: RM-3-7, RM-3-8, RM-3-9, RM-4-10, and RM-4-11.

(b) through (e) [No change in text.]

**§141.0306 Guest Quarters or Habitable Accessory Buildings**

Guest quarters or habitable *accessory buildings* are attached or detached accessory living quarters developed of habitable construction, and located on a *lot* with a *single dwelling unit* that do not provide complete, independent living facilities and do not have direct access to the primary *dwelling unit*. Guest quarters or habitable *accessory buildings* are solely for the use of the occupants of the primary *dwelling unit* or their guests or employees.

Guest quarters or habitable *accessory buildings* may be permitted accessory to a *single dwelling unit* as a limited use in accordance with Process One in the zones indicated with an “L” in the Use Regulations Tables in Chapter 13, Article 1 (Base Zones) subject to the following regulations.

- (a) A primary *dwelling unit* must exist on the *premises*. Concurrent construction of the primary *dwelling unit* and the guest quarters or habitable *accessory building* is permitted.
- (b) Guest quarters or habitable *accessory buildings* may occupy a maximum of 25 percent of the allowable *gross floor area* of the *premises*.
- (c) Guest quarters or habitable *accessory buildings* may be attached to or detached from the primary *dwelling unit* on the *premises*.
- (d) The *gross floor area* of the guest quarters or habitable *accessory buildings* shall be included in the *floor area ratio* calculation for the *premises*.

- (e) The guest quarters or habitable *accessory buildings* shall not contain a *kitchen* or facilities for the storage and preparation of food. A bar sink and miniature refrigerator may be permitted.
- (f) For guest quarters or habitable *accessory buildings* located above a garage or other *accessory building*, the maximum *structure height* for flat-roofed *structures* is 21 feet. For sloped-roofed *structures* with a roof pitch of at least 3:12 (3 vertical feet to 12 horizontal feet), the maximum *structure height* is 30 feet.
- (g) For detached guest quarters or habitable *accessory buildings*, the maximum *structure height* is 15 feet without a chimney or flue, or 17 feet with a chimney or flue.
- (h) Decks and staircases of not more than 3 feet in height may encroach into required *yards*.
- (i) *Roof decks*, including railings, shall not exceed the height limits in Section 141.0306(f) and (g).
- (j) Occupancy of a *premises* containing guest quarters or habitable *accessory buildings* shall be subject to the following:
  - (1) Guest quarters or habitable *accessory buildings* shall not be rented, leased, or sold as a separate *dwelling unit*.
  - (2) Before a Building Permit is issued for a guest quarters or habitable *accessory building*, the *record owner* shall submit a signed agreement with the City that specifies that the guest quarters or habitable *accessory building* shall not be used as, or converted to, a companion unit or any other *dwelling unit*. The agreement shall

include a stipulation that neither the primary *dwelling unit* nor the guest quarters or habitable *accessory building* shall be sold or conveyed separately. The City will provide the agreement to the County Recorder for recordation.

- (3) Guest quarters or habitable *accessory buildings* shall be used solely by the occupants of the primary *dwelling unit*, their guests, or their employees.

Section 32. That Chapter 14, Article I, Division 4 of the San Diego Municipal Code is amended by amending sections 141.0404 and 141.0407 to read as follows:

**§141.0404 Churches and Places of Religious Assembly**

*Churches* and places of religious assembly are permitted as a limited use in the zones indicated with an “L” in the Use Regulations Tables in Chapter 13, Article 1 (Base Zones) subject to Section 141.0404(a). *Churches* and places of religious assembly that do not comply with Section 141.0404(a) may be permitted with a Conditional Use Permit decided in accordance with Process Three subject to Section 141.0404(b). *Churches* and places of religious assembly may also be permitted with a Conditional Use Permit decided in accordance with Process Three in the zones indicated with a “C” in the Use Regulations Tables in Chapter 13, Article 1 (Base Zones) subject to Section 141.0404(b).

**(a) Limited Use Regulations**

- (1) *Churches* and places of religious assembly are not permitted:
  - (A) within the *MHPA*;
  - (B) within *floodplains* located in the Coastal Overlay Zone; or

- (C) on a *premises* that is identified as Prime Industrial Land in a *land use plan*.

(2) through (4) [No change in text.]

(h) Conditional Use Permit Regulations

- (1) *Churches* and places of religious assembly are not permitted:

- (A) within the *MHPA*;
- (B) within *floodplains* located in the Coastal Overlay Zone; or
- (C) on a *premises* that is identified as Prime Industrial Land in a *land use plan*.

(2) through (5) [No change in text.]

**§141.0407 Educational Facilities—Schools for Kindergarten to Grade 12 and Colleges/Universities**

Educational facilities may be permitted with a Conditional Use Permit decided in accordance with Process Three in the zones indicated with a “C” in the Use Regulations Tables in Chapter 13, Article 1 (Base Zones) subject to the following regulations.

- (a) Educational facilities are not permitted on a *premises* that is identified as Prime Industrial Land in a *land use plan*. Permanent *development* associated with educational facilities is not permitted in agricultural zones in *Proposition A Lands* or within *floodplains* located in the Coastal Overlay Zone.

(b) through (f) [No change in text.]

Section 33. That Chapter 14, Article 1, Division 6 of the San Diego Municipal Code is amended by amending sections 141.0604, 141.0613, 141.0617, and 141.0625, and by repealing section 141.0612 to read as follows:

**§141.0604 Boarding Kennels/Pet Day Care Facilities**

Boarding kennels and pet day care facilities for the boarding, training and care of household pets are permitted as a limited use in the zones indicated with an “L” in the Use Regulations Tables in Chapter 13, Article 1 (Base Zones) subject to Section 141.0604(a) and (b). Boarding kennels and pet day care facilities may be permitted with a Neighborhood Use Permit decided in accordance with Process Two in the zones indicated with an “N” in the Use Regulations Tables in Chapter 13, Article 1 (Base Zones) subject to Section 141.0604 (a) and (c).

**(a) General Rules**

- (1)** Boarding kennels and pet day care facilities shall be operated and maintained in accordance with the health and sanitation regulations for health regulated businesses in Chapter 4, Article 2, Division 7 (Animals and Poultry).
- (2)** Boarding kennels and pet day care facilities shall be maintained in a sanitary condition to minimize the impacts of odors on surrounding *development*.

**(b) Limited Use Regulations**

- (1)** All boarding, training, and pet care activities shall be conducted within an enclosed building. Exterior boarding, training, and exercise facilities are not permitted as a limited use.

- (2) Kennels and associated *structures* shall not be located any closer than 50 feet to any *property line*, unless the *structures* are sound-proofed.
  - (3) Off-street parking shall be provided at a rate of 2.5 spaces for every 1,000 square feet of *floor* area.
  - (4) Boarding kennels and pet day care facilities shall not be located on a *premises* that is identified as Prime Industrial Land in a *land use plan*.
  - (5) Deviations from Section 146.0604(b) may be permitted with a Neighborhood Use Permit decided in accordance with Process Two, with the exception of outdoor facilities in CN zones which are not permitted.
- (c) Neighborhood Use Permit Regulations
- (1) [No change in text.]
  - (2) Exterior boarding, training, and exercise facilities shall be *screened* from adjacent *development* by a 6-foot *solid fence* or wall.
  - (3) Off-street parking shall be provided in accordance with Table 142-05D.

**§141.0613     **Massage Establishments, Specialized Practice****

Specialized practice massage establishments are police regulated businesses subject to Chapter 3, Article 3, Division 35 and are permitted as a limited use in the zones indicated with an “L” in the Use Regulations Tables in Chapter 13, Article 1 (Base Zones) subject to the following regulations.

- (a) Any *sign* advertising the establishment shall contain the full name of the operator and may contain words that identify the specialized field of practice in which the operator engages.
- (b) The letters of any words identifying the operator's specialized field of practice shall not exceed one-half of the height of the capital letters in the name of the operator, and the words shall be uniform in height.
- (c) The phrase "massage parlor" or "massage establishment" shall not be used on any *sign* or any other form of advertising unless preceded by words identifying the specialized field of practice.
- (d) The *applicant* shall submit scale drawings of all *signs* that will be displayed on the *premises* to the City Manager to determine compliance with this section.
- (e) The application and business tax certificate for the establishment shall identify the business as a "Massage Establishment, Specialized Practice, pursuant to Municipal Code Section 141.0613."

**§141.0617 Private Clubs, Lodges, and Fraternal Organizations**

Private clubs, lodges, and fraternal organizations are associations of persons, whether incorporated or unincorporated, for the promotion of some common social, cultural, educational, religious, or recreational objective. This use does not include *churches* or any group whose primary objective is a business customarily carried on for a profit.

Private clubs, lodges, and fraternal organizations may be permitted with a Conditional Use Permit decided in accordance with Process Three in the zones

indicated with a “C” in the Use Regulations Tables in Chapter 13, Article 1 (Base Zones) subject to the following regulations.

- (a) through (d) [No change in text.]
- (e) Private clubs, lodges, and fraternal organizations are not permitted on a *premises* that is identified as Prime Industrial Land in a *land use plan*.

**§141.0625 Veterinary Clinics and Animal Hospitals**

Veterinary clinics and animal hospitals are permitted as a limited use in the zones indicated with an “L” and may be permitted with a Neighborhood Use Permit decided in accordance with Process Two in the zones indicated with an “N” in the Use Regulations Tables in Chapter 13, Article 1 (Base Zones) subject to the following regulations.

(a) General Rules

- (1) Veterinary clinics and animal hospitals are not permitted in agricultural zones in *Proposition A Lands*, except as an accessory use within a zoological park, or within *floodplains* located in the Coastal Overlay Zone.
- (2) Veterinary clinics and animal hospitals shall be operated and maintained in accordance with the health and sanitation regulations for health regulated businesses in Chapter 4, Article 2, Division 7 (Animals and Poultry).
- (3) Veterinary clinics and animal hospitals shall be maintained in a sanitary condition to minimize the impacts of odors on surrounding *development*.

(b) Limited Use Regulations

- (1) Veterinary clinics and animal hospitals shall not be located on a *premises* that is identified as Prime Industrial Land in a *land use plan*.
  - (2) Outdoor exercise areas are not permitted as a limited use, except as an accessory use within a zoological park.
  - (3) Off-street parking shall be provided in accordance with Table 142-05D.
  - (4) Deviations from Section 146.0625(a) may be permitted with a Neighborhood Use Permit decided in accordance with Process Two.
- (c) Neighborhood Use Permit Regulations
- (1) Noise emanating from the facility shall be kept at minimum levels through the following methods:
    - (A) Limitations on the number of animals permitted in exterior areas at any one time;
    - (B) Limitations on the hours that animals are permitted in exterior areas;
    - (C) Locating exterior boarding and exercise areas on those portions of the site where noise impacts on surrounding *development* will be minimized;
    - (D) The use of walls or *fences* to minimize noise impacts to surrounding *development*; and
    - (E) Sound-proofing of interior kennel areas.

- (2) Exterior boarding, training, and exercise facilities shall be *screened* from adjacent *development* by a 6-foot *solid fence* or wall.

Section 34. That Chapter 14, Article 1, Division 11 of the San Diego Municipal Code is amended by amending section 141.1103 to read as follows:

**§141.1103 Comprehensive Sign Plans**

Comprehensive *sign* plans may be permitted with a Neighborhood Use Permit in the zones indicated with an “N” in the Use Regulations Tables in Chapter 13, Article 1 (Base Zones). Comprehensive *sign* plans may be requested to modify applicable *sign* requirements if the proposed *signs*, as a whole, are in conformance with the intent of the *sign* regulations and if the exceptions result in an improved relationship among the *signs* and *building facades* on the *premises*.

Section 35. That Chapter 14, Article 2, Division 4 of the San Diego Municipal Code is amended by amending sections 142.0402 and 142.0412 to read as follows:

**§142.0402 When Landscape Regulations Apply**

- (a) through (b) [No change in text.]

**Table 142-04A  
Landscape Regulations Applicability**

Type of Development Proposal			Applicable Regulations	Required Permit Type/Decision Process
Column A	Column B	Column C <sup>(1)</sup>		
1. through 2. [No change in text.]				
3. New permanent parking and <i>vehicular use area</i> for four or more vehicles including access to the spaces, excluding			142.0403, 142.0406- 142.0409, and 142.0413	Construction Permit/ Process One

parking for <i>single dwelling unit</i> uses on a single lot in <i>single dwelling unit</i> zones				
4. New temporary parking and <i>vehicular use area</i> for four or more vehicles including access to the spaces, excluding parking for <i>single dwelling unit</i> uses on a single lot in <i>single dwelling unit</i> zones			142.0403, 142.0408, 142.0409, and 142.0413	Construction Permit/ Process One
5. Additions or modifications to existing permanent or temporary parking and <i>vehicular use area</i> that increase the number of parking spaces by four or more			142.0403, 142.0408, 142.0409, 142.0410(b), and 142.0413	Construction Permit/ Process One
6. <i>Single dwelling unit</i> residential use projects proposing new private or <i>public rights-of-way</i>			142.0403, 142.0409, and 142.0413	Construction Permit/ Process One
7. Projects proposing slopes with gradients steeper than 4:1 (4 horizontal feet to 1 vertical foot) that are 5 feet or greater in height			142.0403, 142.0411, and 142.0413	Construction Permit/ Process One
8. Projects creating disturbed areas of bare soils, or projects with existing disturbed areas [No change in text.]				
9. All City owned property, dedicated in perpetuity for park or			142.0403 142.0412 142.0413	No permit required by this division if work is performed

recreation purposes, within 100 feet of a structure.				in accordance with applicable regulations
10. through 11. [No change in text.]				
12. New Trees or shrubs planted in the <i>public right-of-way</i>			62.0603 129.0702 142.0403 142.0409 and 142.0610	Public Right-of-Way Permit or Street Tree Permit/ Process One
13. [No change in text.]				

Footnote to Table 142-04A

Footnote 1 [No change in text.]

#### **§142.0412 Brush Management**

Brush management is required in all base zones on publicly or privately owned *premises* that are within 100 feet of a *structure* and contain native or naturalized vegetation.

(a) through (f) [No change in text.]

(g) Zone One Requirements

(1) [No change in text.]

(2) Zone One shall contain no habitable *structures*, *structures* that are directly attached to habitable *structures*, or other combustible construction that provides a means for transmitting fire to the habitable *structures*. *Structures* such as *fences*, walls, palapas, play structures, and non-habitable gazebos that are located within brush management Zone One shall be of noncombustible, one hour fire-rated or heavy timber construction.

(3) through (7) [No change in text.]

(h) through (o) [No change in text.]

Section 36. That Chapter 14, Article 2, Division 5 of the San Diego Municipal Code is amended by amending sections 142.0510, 142.0530, and 142.0560 to read as follows:

**§142.0510 General Parking Regulations**

(a) through (c) [No change in text.]

(d) *Previously Conforming Premises.* Enlargement or change in use, or resumption of a discontinued use, for a *premises* that is *previously conforming* for the reason that it does not provide the number of *off-street parking spaces* required by this Division shall provide parking as follows:

(1) through (3) [No change in text.]

(4) A discontinued use may resume on a *premises* with *previously conforming* parking if:

(A) The use is permitted in accordance with the underlying base zone; and

(B) The *premises* is not located within the Parking Impact Overlay Zone; or

(C) The *premises* is located within the Parking Impact Overlay Zone, but the use has been discontinued for less than 2 years as determined in accordance with Section 142.0510(d)(5).

(5) Within the Parking Impact Overlay Zone, if the previous use has been discontinued for a period of 2 or more consecutive years,

parking shall be required as provided in this Division for the new use, unless a property owner has obtained a Neighborhood Development Permit.

(A) through (B) [No change in text.]

(e) through (g) [No change in text.]

**§142.0530 Nonresidential Uses — Parking Ratios**

(a) through (b) [No change in text.]

(c) [No change in text.]

**Table 142-05F  
Parking Ratios for Specified Non-Residential Uses**

Use	Parking Spaces Required per 1,000 Square Feet of Floor Area Unless Otherwise Noted (Floor Area Includes Gross Floor Area plus below Grade Floor Area, and Excludes Floor Area Devoted to Parking)				
	Required Automobile Parking Spaces				Required Bicycle Parking Spaces <sup>(3)</sup>
	Minimum Required Outside a Transit Area	Minimum Required Within a Transit Area <sup>(1)</sup>	Maximum Permitted	Carpool Minimum <sup>(2)</sup>	Minimum
<b>Institutional through Commercial Services, Visitor Accommodations</b> [No change in text.]					
<b>Separately Regulated Uses</b>					
<i>Child Care Facilities</i> through Funeral parlors & Mortuaries [No change in text.]					
Private clubs, lodges, fraternal organizations (except fraternities and sororities) through Veterinary clinics & hospitals [No change in text.]					

Use	Parking Spaces Required per 1,000 Square Feet of Floor Area Unless Otherwise Noted (Floor Area Includes Gross Floor Area plus below Grade Floor Area, and Excludes Floor Area Devoted to Parking)				
	Required Automobile Parking Spaces				Required Bicycle Parking Spaces <sup>(3)</sup>
	Minimum Required Outside a Transit Area	Minimum Required Within a Transit Area <sup>(1)</sup>	Maximum Permitted	Carpool Minimum <sup>(2)</sup>	Minimum
Offices <sup>(6)</sup> through Industrial [No change in text.]					

Footnotes for Table 142-05F

Footnotes 1 through 7 [No change in text.]

(d) through (h) [No change in text.]

#### **§142.0560 Development and Design Regulations for Parking Facilities**

(a) through (i) [No change in text.]

(j) Driveway and Access Regulations

(1) [No change in text.]

(2) Existing driveways shall be modified to comply with this section when redevelopment occurs after demolition of the primary *structure* on a *premises*, or when otherwise required by the Land Development Code.

(3) through (10) [No change in text.]

(k) *Parking Structure* Design Regulations. *Parking structures* are subject to the following design regulations:

(1) The perimeter of each parking *structure floor* above *street* level shall have an opaque *screen* or other *screening* mechanism to

shield automobiles from public view. The *screen* shall be at least 3½ feet high measured from the finished *floor* elevation.

- (2) An architectural treatment, such as a finished fascia, shall be provided to shield any unfinished structural elements (including electrical elements, exposed metal beams, and fireproofing material) or mechanical appurtenances from a viewing position at *grade* from the opposite side of the *street*.
- (3) Lights visible from the exterior of the *structure* shall comply with Section 142.0740.
- (4) The top *floor* of parking *structures* that are open to the sky are subject to the vehicular use area requirements of the Landscape Regulations (Chapter 14, Article 2, Division 4).
- (5) The maximum gradient in any direction within a parking *structure* is 6 percent, except that where unusual or special circumstances warrant, the City Manager may approve steeper gradients according to accepted engineering practices.

Section 37. That Chapter 14, Article 2, Division 6 of the San Diego Municipal Code is amended by amending section 142.0650 to read as follows:

**§142.0650 Requirements for Park and Recreational Facilities**

The provision of park facilities and the payment of park fees are required in accordance with Municipal Code Chapter 9, Article 6, Division 4 (Development of Park and Recreational Facilities).

Section 38. That Chapter 14, Article 2, Division 10 of the San Diego Municipal Code is amended by amending section 142.1030 to read as follows:

**§142.1030 Loading Dock and Overhead Door Screening Regulations**

(a) through (c) [No change in text.]

**Diagram 142-10A**

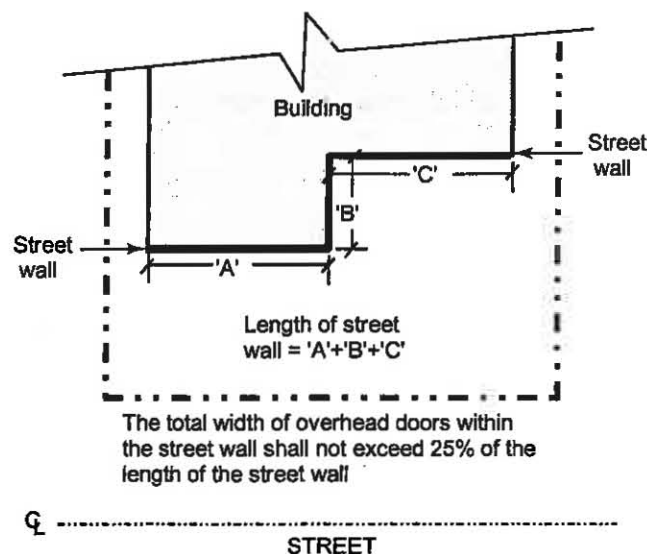
**Wall Requirement in the IP Zone**

[No change in text.]

- (d) In the IL and IH zones, a maximum of two loading docks or overhead doors may be visible when projected perpendicularly to a single plane that is most parallel to the closest abutting *public right-of-way*. The total width of the loading docks or overhead doors shall not occupy more than 25 percent of the length of the *street wall*. See Diagram 142-10B.

**Diagram 142-10B**

**Street Wall Loading Docks in the IL and IH Zones**



Section 39. That Chapter 14, Article 2, Division 12 of the San Diego Municipal Code is amended by amending sections 142.1205, 142.1215, and 143.1260 to read as follows:

**§142.1205 When Sign Regulations Apply**

This Division applies to all *signs* within the City unless otherwise specifically regulated. This Division applies to all construction within the City whether or not a permit or other approval is required. In addition, discretionary permits may also contain conditions that regulate *signs* on certain properties.

Table 142-12A shows the applicable regulations and type of permit required by this Division, if any, for specific types of *signs*.

**Table 142-12A  
Sign Regulations Applicability**

Type of <i>Sign</i> or <i>Development</i> Proposal	Applicable Sections	Required Permit Type/Decision Process
Changing the copy of a <i>sign</i> and <i>sign</i> maintenance that does not involve structural and electrical changes through Any proposal to erect a <i>sign</i> with automatic changing copy [No change in text.]		
Any proposal to erect a neighborhood identification <i>sign</i>	142.1210 and 142.1260	Neighborhood Use Permit/Process Two
Any proposal to erect a secondary type of <i>sign</i> through Any proposal to erect a <i>sign</i> in an open space zone. [No change in text.]		

**§142.1215 Types of Signs**

(a) through (b) [No change in text.]

(c) *Signs* Permitted by Higher Process

The following are the types of *signs* that may be permitted with a Neighborhood Use Permit in accordance with Chapter 12, Article 6, Division 2.

(1) through (3) [No change in text.]

(4) Neighborhood identification *signs*

(5) [No change in text.]

**§142.1260 Signs Permitted by Higher Process**

The following *signs* may be permitted with a Neighborhood Use Permit in accordance with Chapter 12, Article 6, Division 2 and Chapter 14, Article 1, Division 11:

(a) through (d) [No change in text.]

(e) Comprehensive *sign* plans.

Section 40. That Chapter 14, Article 3, Division 1 of the San Diego Municipal Code is amended by amending sections 143.0110, 143.0126, 143.0142 and 146.0146 to read as follows:

**§143.0110 When Environmentally Sensitive Lands Regulations Apply**

This Division applies to all proposed *development* when *environmentally sensitive lands* are present on the *premises*.

(a) through (b) [No change in text.]

(c) A Neighborhood Development Permit or Site Development Permit is not required for the following *development* activity:

- (1) *Development* on a *premises* containing *environmentally sensitive lands* that is limited to interior modifications or repairs, or any exterior repairs, alterations or maintenance that does not increase the footprint of an existing building or *accessory structure*, and will not encroach into the *environmentally sensitive lands* during or after construction.

(2) *Development on a premises containing environmentally sensitive lands where the development:*

(A) Would not encroach into *environmentally sensitive lands* during or after construction;

(B) Would not expand brush management Zone One into *environmentally sensitive lands*;

(C) Would comply with the *MHPA* adjacency guidelines as applicable;

(D) Would maintain a minimum 40 foot *setback* from the *coastal bluff edge* of a *sensitive coastal bluff*; and

(E) Would either:

(i) Maintain at least a 100 feet separation distance from *sensitive biological resources* and at least a 40 feet separation distance from the top of slope of *steep hillsides*; or

(ii) Locate *development* in a legally graded or developed portion of the *premises* separated from *environmentally sensitive lands* by an existing *fence* or other physical barrier.

(3) through (8) [No change in text.]

(9) *Development in a Special Flood Hazard Area* that is permitted in accordance with the underlying base zone and complies with the regulations in Sections 143.0145 and 143.0146.

**§143.0126     Procedures for Emergency Authorization to Impact Environmentally Sensitive Lands**

Whenever *development* activity within *environmentally sensitive lands* is deemed necessary by order of the City Manager to protect the public health or safety, the City Manager may authorize, without a public hearing, the minimum amount of impact necessary to protect the public health or safety, subject to the following:

- (a)     Application. When an emergency exists, an *applicant* may use the procedures of this section instead of the standard application and decision procedures for a Site Development Permit. The *applicant* may apply for an emergency Site Development Permit in person, by letter to the City Manager, or by telephone.
- (b)     Contents of Application. The application for an emergency Site Development Permit shall include the following information:
  - (1)     The nature of the emergency;
  - (2)     The cause of the emergency;
  - (3)     The location of the emergency;
  - (4)     The remedial, protective, or preventive work required to deal with the emergency;
  - (5)     The circumstances during the emergency that justify the course of action taken or to be taken, including the probable consequences of failing to take emergency action; and
  - (6)     Identification of options for addressing the emergency, including the least environmentally damaging alternative.

- (c) **Verification.** The City Manager shall verify the facts, including the existence and nature of the emergency, to the extent that time allows.
- (d) **Decision on Permit.** A decision to approve, conditionally approve, or deny an emergency Site Development Permit shall be made by the City Manager.
- (e) **Findings.** An emergency Site Development Permit may be approved or conditionally approved only if the City Manager makes the following *findings*:
  - (1) An emergency exists that requires action more quickly than would be permitted by the normal procedures for acquiring a Site Development Permit and the *development* can and will be completed within 30 days unless otherwise specified in the permit; and
  - (2) Public comment on the proposed emergency action has been solicited and reviewed to the extent feasible.
- (f) **Conditions.** The City Manager may approve an emergency Site Development Permit with conditions, including an expiration date for any work authorized by the City Manager.
  - (1) All emergency Site Development Permits shall authorize only the minimum *development* necessary to stabilize the emergency.
  - (2) If the emergency work involves only temporary impacts to *environmentally sensitive lands*, a subsequent Neighborhood Development Permit or Site Development Permit is not required provided the *environmentally sensitive lands* are restored in a

timely manner to their natural state, to the satisfaction of the City Manager. Restoration shall be in accordance with a restoration plan that conforms with the Biology Guidelines and is approved by the City Manager. The restoration plan shall be submitted to the City Manager within 60 days of completion of the emergency work and work on the approved restoration plan shall be initiated within 90 days of project completion or prior to the beginning of the next rainy season, whichever is greater.

- (3) If the emergency work results in permanent impacts to *environmentally sensitive lands*, a subsequent Neighborhood Development Permit or Site Development Permit is required through the regular process in accordance with all regulations of this Division. The application for the Neighborhood Development Permit or Site Development Permit shall be submitted within 60 days of completion of the emergency work.

- (g) Within the Coastal Overlay Zone, a Coastal Development Permit is required for any emergency *coastal development* in accordance with Section 126.0718.

**§143.0142 Development Regulations for Steep Hillsides**

*Development* that proposes *encroachment* into *steep hillsides* or that does not qualify for an exemption pursuant to Section 143.0110(c) is subject to the following regulations and the Steep Hillside Guidelines in the Land Development Manual.

- (a) Allowable *Development Area*

(1) through (3) [No change in text.]

(4) [No change in text.]

(A) through (D) [No change in text.]

(E) In the approval of any Coastal Development Permit for a *subdivision*, and any other division of land, including *lot splits*, no *encroachment* into *steep hillsides* containing *sensitive biological resources*, or mapped as Viewshed or Geologic Hazard on Map C-720 shall be permitted. The decision maker shall require a *setback* for Zone One brush management consistent with Section 142.0142.

**§143.0146 Supplemental Regulations for Special Flood Hazard Areas**

All proposed *development* within a *Special Flood Hazard Area* is subject to the following requirements and all other applicable requirements and regulations of FEMA.

(a) *Development* and Permit Review

(1) through (6) [No change in text.]

(7) In all *floodways*, any *encroachment*, including *fill*, new construction, significant modifications, and other *development* is prohibited unless *certification* by a registered professional engineer is provided demonstrating that *encroachments* will not result in any increase in *flood* levels during the occurrence of the *base flood* discharge except as allowed under Code of Federal Regulations Title 44, Chapter 1, Part 60.3(c)(13).

(b) through (f) [No change in text.]

Section 41. That Chapter 14, Article 3, Division 2 of the San Diego Municipal Code is amended by amending section 143.0212 to read as follows:

**§143.0212     Need for Site Specific Survey and Determination of Location of Historical Resources**

- (a)     The City Manager shall determine the need for a site-specific survey for the purposes of obtaining a *construction permit* or *development permit* for *development* proposed for any parcel containing a *structure* that is 45 or more years old and not located within any area identified as exempt in the Historical Resources Guidelines of the Land Development Manual or for any parcel identified as sensitive on the Historical Resource Sensitivity Maps. Interior *development* and any modifications or repairs that are limited in scope to an electrical or plumbing/mechanical permit shall be exempt from the requirement to obtain a site specific survey prior to approval of the applicable *construction permit* where the *development* would include no change to the exterior of existing *structures*.

(b) through (d) [No change in text.]

Section 42. That Chapter 14, Article 3, Division 4 of the San Diego Municipal Code is amended by amending section 143.0402 to read as follows:

**§143.0402     When Planned Development Permit Regulations Apply**

This Division applies to all *development* proposals for which a Planned Development Permit is requested, in accordance with Table 143-04A.

**Table 143-04A**  
**Supplemental Planned Development Permit Regulations Applicability**

<b>Type of <i>Development</i> Proposal</b>	<b>Applicable Sections</b>	<b>Required <i>Development</i> Permit/Decision Process<sup>(1)</sup></b>
Residential <i>development</i> requesting deviations from applicable zone regulations <sup>(2)</sup>	143.0403, 143.0410, 143.0420	PDP/Process 4
Commercial and Industrial <i>development</i> requesting deviations from applicable zone regulations	143.0403, 143.0410, 143.0460	PDP/Process 4
<i>Developments</i> within <i>land use plans</i> where a Planned Development Permit is recommended when other discretionary actions are requested	143.0403, 143.0465	PDP/Process 3
<i>Development</i> that complies with the applicable <i>land use plan</i> designation, but contains uses that are not permitted in the underlying base zone	143.0403	PDP/Process 3
Rural cluster <i>development</i> in the AR and OR zones	143.0403, 143.0410, 143.0420, 143.0440	PDP/Process 4
Rural cluster <i>development</i> with increased <i>density</i> in the AR-1-1 and OR-1-2 zones within <i>Proposition A Lands</i> <sup>(3)</sup>	143.0403, 143.0410, 143.0420, 143.0450	PDP/Process 5
Residential <i>development</i> in RS zones of <i>urbanized Communities</i> where a Planned Development Permit is requested	143.0403, 143.0410, 143.0420, 143.0430	PDP/Process 4

Footnotes to Table 143-04A

Footnotes 1 through 3 [No change in text.]

Section 43. That Chapter 14, Article 4, Division 3 of the San Diego Municipal Code is amended by adding a new section 144.0350 to read as follows:

**§144.0350      Recordation of Ownership Interest for Parcel Maps**

- (a)      When no dedications or offers of dedication are required, a *parcel map* for the division of land into four or fewer parcels shall be signed and

acknowledged only by the *applicant* pursuant to Government Code Section 66445(e).

- (b) Concurrent with the recordation of a *parcel map* for the division of land into four or fewer parcels, an *applicant* shall record a Statement of Ownership Interest to the satisfaction of the City Engineer indicating that any persons or entities having record title interest in the property, including but not limited to trustees and beneficiaries, consent to the proposed *subdivision*.

Section 44. That Chapter 15, Article 1, Division 1 of the San Diego Municipal Code is amended by amending section 151.0103 to read as follows:

**§151.0103 Applicable Regulations**

- (a) [No change in text.]
- (b) The following regulations apply in all planned districts:
  - (1) Land Development Code, Chapter 11 (Land Development Procedures);
  - (2) Land Development Code, Chapter 12 (Land Development Reviews), except Chapter 12, Article 6, Division 6, where specifically excluded in the planned district regulations;
  - (3) Land Development Code, Chapter 13, Article 2 (Overlay Zones);
  - (4) Alcoholic beverage outlets regulations contained in Land Development Code Section 141.0502;
  - (5) Adult entertainment establishments regulations contained in Land Development Code Section 141.0601;

- (6) Child care facilities regulations contained in Section 141.0606; and
- (7) *Medical marijuana consumer cooperative* regulations contained in section 141.0614. In addition, in planned districts where planned district-specific zones are applied, *medical marijuana consumer cooperatives* may be permitted as follows:
  - (A) In any planned district zone, subdistrict, district or overlay that allows commercial use and, except for watchkeeper's quarters, prohibits residential uses; and
  - (B) In any planned district zone, subdistrict, district or overlay that allows light industrial uses.

Section 45. That Chapter 15, Article 1, Division 2 of the San Diego Municipal Code is amended by amending sections 151.0201, 151.0202 and repealing section 151.0203 to read as follows:

**§151.0201 Processing of Planned District Permits**

Planned district permits will be processed in accordance with the Land Development Code as follows:

- (a) through (c) [No change in text.]
- (d) Where Section 151.0401 requires a Neighborhood Use Permit, an applicant shall apply for a Neighborhood Use Permit in accordance with Land Development Code Chapter 12, Article 6, Division 1 (General Development Permit Procedures) and Division 2 (Neighborhood Use Permit Procedures). The findings required for approval will be the general findings for Neighborhood Use Permits in Land Development Code

section 126.0205 and any additional findings provided in the planned district.

- (e) Where Section 151.0401 or the planned district requires a Conditional Use Permit, an applicant shall apply for a Conditional Use Permit in accordance with Land Development Code Chapter 12, Article 6, Division 1 (General Development Permit Procedures) and Division 3 (Conditional Use Permit Procedures). The findings required for approval will be the general findings for Conditional Use Permits in Land Development Code Section 126.0305 and any additional findings provided in the planned district.

**§151.0202 Initiation of a Planned District Zoning or Rezoning Action**

A proposed action to designate a zone on a property or change an existing zone in a planned district may be commenced in the following manner:

- (a) By Resolution. The City Council or the Planning Commission may initiate a zoning or rezoning action by resolution; or
- (b) By Application. A property owner may commence a zoning or rezoning action by filing an application in accordance with Sections 112.0102 and 123.0105.

Section 46. That Chapter 15, Article 1, Division 4 of the San Diego Municipal Code is amended by amending section 151.0401 to read as follows:

**§151.0401 Uses Permitted in the Planned Districts**

- (a) The uses identified in Chapter 14, Article 1 (Separately Regulated Uses) may be permitted in planned districts as limited uses subject to

supplemental regulations, or conditional uses requiring a Neighborhood Use Permit or Conditional Use Permit in accordance with the rules and procedures in Chapter 14, Article 1.

- (b) The permit process for a separately regulated use shall be determined in accordance with applicable planned district use regulations.
- (c) Where the use and accompanying permit process for a separately regulated use is not provided for within a planned district, but upon request of the applicant, the City Manager determines a separately regulated use, identified in Chapter 14, Article 1, meets the purpose and intent of the applicable planned district zone, that separately regulated use may be processed in accordance with the zone in the Use Regulations Tables in Chapter 13, Article 1 (Base Zones) that most closely meets the purpose and intent of the applicable planned district zone in terms of permitted uses within the zone and the allowable intensity of those uses.
- (d) In case of conflict between Section 151.0401 and regulations for a planned district, the planned district regulations shall apply.

Section 47. That Chapter 15, Article 3, Division 1 of the San Diego Municipal Code is amended by amending section 153.0103 to read as follows:

**§153.0103     Applicable Regulations**

Where not otherwise specified or inconsistent with the Carmel Valley Planned District Ordinance, the following provisions of the Land Development Code apply:

Chapter 11 (Land Development Procedures);

Chapter 12 (Land Development Reviews);  
Chapter 13, Article 2 (Overlay Zone);  
Chapter 14, Article 1 (Separately Regulated Use Regulations);  
Chapter 14, Article 2, Division 1 (Grading Regulations);  
Chapter 14, Article 2, Division 2 (Drainage Regulations);  
Chapter 14, Article 2, Division 4 (Landscape Regulations);  
Chapter 14, Article 2, Division 5 (Parking Regulations);  
Chapter 14, Article 2, Division 6 (Public Facility Regulations);  
Chapter 14, Article 2, Division 8 (Refuse and Recyclable Materials Storage Regulations);  
Chapter 14, Article 3 (Supplemental Development Regulations);  
Chapter 14, Article 4 (Subdivision Regulations);  
Chapter 14, Article 5 (Building Regulations);  
Chapter 14, Article 6 (Electrical Regulations); and  
Chapter 14, Article 7 (Plumbing and Mechanical Regulations).

Where there is a conflict between the Land Development Code and the Carmel Valley Planned District Ordinance, the Planned District Ordinance applies.

Section 48. That Chapter 15, Article 9, Division 3 of the San Diego Municipal Code is amended by amending section 159.0307 to read as follows:

**§159.0307 Property Development Regulations**

No building or portion thereof shall be erected, constructed, converted, established, altered or enlarged, nor shall any premises be used unless the lot or premises and buildings shall comply with the applicable development regulations.

Please refer to Appendices B and C for illustrations of the development regulations.

(a) through (c) [No change in text.]

(d) Maximum Height

- (1) The maximum height of any point on any structure shall be 30 feet. Height shall be measured in accordance with Land Development Code Section 113.0270 with the exception of Section 113.0270(a)(4)(B)(i) and 113.0270(a)(2)(B). See Appendix B of the La Jolla Planned District.

(2) through (3) [No change in text.]

(e) through (f) [No change in text.]

Section 49. That Chapter 15, Article 10, Division 1 of the San Diego Municipal Code is amended by amending section 1510.0107 to read as follows:

**§1510.0107 Applicable Regulations**

- (a) [No change in text.]
- (b) Where there is a conflict between the Land Development Code and the La Jolla Shores Planned District Ordinance, the Planned District Ordinance applies.

Section 50. That Chapter 15, Article 10, Division 3 of the San Diego Municipal Code is amended by amending sections 1510.0303 and 1510.0309 to read as follows:

**§1510.0303 Single-Family Zone - Permitted Uses**

In the Single-Family (SF) Zone, designated on that certain map referenced in Section 1510.0102, no building or improvement or portion thereof shall be

erected, constructed, converted, established, altered, or enlarged, nor shall any premises be used except for one or more of the following uses:

- (a) [No change in text.]
- (b) Public parks and public playgrounds.
- (c) Boarder and lodger accommodations; Companion units; Family day care homes; Garage, yard and estate sales; Guest quarters and habitable accessory buildings; Home occupations; Community gardens; and Temporary real estate sales offices and model homes as a limited use in accordance with the applicable regulations in Chapter 14, Article 1 (Separately Regulated Use Regulations).
- (d) Schools limited to primary, elementary, junior and senior high schools as a conditional use subject to a Process Three Conditional Use Permit in accordance with Land Development Code Section 141.0407 (Separately Regulated Use Regulations).
- (e) Churches, temples or buildings of a permanent nature, used primarily for religious purposes as a conditional use subject to a Process Three Conditional Use Permit in accordance with Land Development Code Section 141.0404 (Separately Regulated Use Regulations).
- (f) Electric distribution and gas regulating stations as a conditional use subject to a Process Three Conditional Use Permit in accordance with Land Development Code Section 141.0408 (Separately Regulated Use Regulations).

- (g) Golf courses as a conditional use subject to a Process Four Conditional Use Permit in accordance with Land Development Code Section 141.0609 (Separately Regulated Use Regulations).

**§1510.0309 Commercial Center Zone-Permitted Uses**

In the Commercial Center (CC), designated on that certain map referenced in Section 1510.0102, no building or improvement or portion thereof shall be erected, constructed, converted, established, altered or enlarged, nor shall any premises be used except for one or more of the following purposes provided that the ground floor area of any establishment does not exceed 6,000 square feet. The minimum floor area for each dwelling unit or apartment is 400 square feet.

- (a) Retailing of consumer goods and dispensing of consumer services from the following establishments:
  - (1) through (22) [No change in text.]
  - (23) Liquor stores subject to Section 141.0502
  - (24) through (36) [No change in text.]
- (b) through (c) [No change in text.]
- (d) Community gardens; Pushcarts on private property; and Recycling facilities (limited to Drop-off facilities or Reverse vending machines) as a limited use in accordance with the applicable regulations in Chapter 14, Article 1 (Separately Regulated Use Regulations).
- (e) Sidewalk cafes as a conditional use subject to a Process Two Neighborhood Use Permit in accordance with Land Development Code Section 141.0621 (Separately Regulated Use Regulations).

- (f) Any other use which the Planning Commission may find, in accordance with Process Four, to be similar in character to the uses enumerated above and consistent with the purpose and intent of the Commercial Center Area (CC) and the La Jolla Shores Planned District. The adopted resolution embodying such finding shall be filed in the office of the City Clerk.

Section 51. That Chapter 15, Article 12, Division 3 of the San Diego Municipal Code is amended by amending section 1512.0303 to read as follows:

**§1512.0303 Residential Development Regulations**

- (a) through (b) [No change in text.]
- (c) Residential Density. One dwelling unit is permitted for each "X" square feet of lot area shown in the third column in Table 1512-03C.

**Table 1512-03C  
Residential Density**

<b>Zone</b>	<b>Lot Size</b>	<b>One Unit per "X" Sq. Ft.</b>
MR-3000	any size legal lot	3,000
MR-2500	any size legal lot	2,500
MR-1750	any size legal lot	1,750
MR-1500	any size legal lot	1,500
MR-1500B	less than 10,000 s.f.	1,500 <sup>(1)</sup>
MR-1500B	10,000 s.f. or more	1,250 <sup>(2)</sup>
MR-1250B	less than 10,000 s.f.	1,250 <sup>(1)</sup>
MR-1250B	10,000 s.f. or more	1,000 <sup>(2)</sup>
MR-1000	any size legal lot	1,000
MR-1000B	less than 10,000 s.f.	1,000
MR-1000B	10,000 s.f. or more	800 <sup>(2)</sup>
MR-800B	less than 15,000 s.f.	800 <sup>(3)</sup>

Zone	Lot Size	One Unit per "X" Sq. Ft.
MR-800B	15,000 s.f. or more	600 <sup>(2)(3)</sup>
MR-400	-	400

Footnotes for Table 1512-03C

Footnotes 1 through 3 [No change in text.]

(d) [No change in text.]

(e) through (l) [No change in text.]

Section 52. That Chapter 15, Article 16, Division 3 of the San Diego Municipal Code is amended by amending section 1516.0302 to read as follows:

**§1516.0302 Property Development Regulations**

(a) through (e) [No change in text.]

(f) Yard and Setbacks

(1) through (2) [No change in text.]

**Table 1516-03D  
Yards and Setbacks**

<b>Subarea</b>	<b>Front Yard <sup>(2)</sup> (ft)</b>	<b>Street Yard<sup>(1)</sup> (linear ft)</b>	<b>Side Yard<sup>(3)(4)</sup> (ft)</b>	<b>Rear Yard<sup>(4)</sup> (ft)</b>
Single-Family	15	10	4	4
Multi-Family	5	15	1-story 5 2-story 10 3-story 15	1-story 5 2-story 10 3-story 15
Rosecrans	15	20	1-story 5 2-story 10 3-story 15	1-story 5 2-story 10 3-story 15
Jefferson, Hortensia	10	0	1-story 5 2-story 10 3-story 15	1-story 5 2-story 10 3-story 15
Core	0 <sup>(5)</sup>	0 <sup>(5)</sup>	1-story 5 2-story 10 3-story 15	1-story 5 2-story 10 3-story 15

**Footnotes for Table 1516-03D**

- 1 Street Yard Defined: The street yard is that area of a lot which lies between the property line abutting a dedicated public street and the street wall line. The street wall line is drawn along the first building wall that parallels the street frontage. The street yard area is calculated by multiplying the street frontage times the linear foot requirement specified herein.
- 2 through 4 [No change in text.]
- 5 Street Wall Continuity: Along the minimum setback, paralleling the public right-of-way, 65 percent of this area shall be building wall.

**(g) Hillsides/bluffs**

No building shall be located on an existing grade 30 percent or greater.

Hillsides 30 percent or greater in slope shall not be disturbed by

construction nor obstructed by building, within 15 feet of the toe of the

slope, of more than 20 feet in height. Development on slopes between 25

and 30 percent may be permitted consistent with Land Development Code

Chapter 14, Article 3, Division 1 (Environmentally Sensitive Lands Regulations).

Section 53. That Chapter 15, Article 19, Division 2 of the San Diego Municipal Code is amended by amending sections 1519.0202, 1519.0205 and Appendix C.1 to read as follows:

**§1519.0202 Southeastern San Diego Development Permit**

(a) through (c) [No change in text.]

(d) The Hearing Officer's decision on an application for a Southeastern San Diego Development Permit may be appealed to the Planning Commission in accordance with Land Development Code Section 112.0506.

**§1519.0205 Alcoholic Beverage Establishments**

(a) [No change in text.]

(b) Alcoholic Beverage Sales for Off-Site Consumption

Establishments for which a Type 20 Beer and Wine License or a Type 21 General Liquor License has been obtained from, or for which an application has been submitted to, the California Department of Alcohol Beverage Control, for permission to sell alcoholic beverages for off-site consumption are regulated by Section 151.0401 and Land Development Code Section 141.0502.

**Appendix C.1: Alcoholic Beverage Establishments**

A. [No change in text.]

**B. ALCOHOLIC BEVERAGE SALES FOR OFF-SITE CONSUMPTION**

Establishments for which a Type 20 Beer and Wine License or a Type 21 General Liquor License has been obtained from, or for which an

application has been submitted to, the California Department of Alcohol Beverage Control, for permission to sell alcoholic beverages for off-site consumption are regulated by Section 151.0401 and Land Development Code Section 141.0502.

C. [No change in text.]

Section 54. That the automatic 12 month extension of time for development permits set forth in Ordinance O-19894, section 7, with a date of final passage of September 28, 2009, was intended to be in addition to all other time extensions, and was not intended to be subject to the 36 month restriction set forth in San Diego Municipal Code section 126.0111(a).

Section 55. That a full reading of this ordinance is dispensed with prior to its passage, a written or printed copy having been made available to the City Council and the public prior to the day of its passage.

Section 56. That prior to becoming effective, this ordinance shall be submitted to the San Diego County Regional Airport Authority (SDCRAA) for a consistency determination.

Section 57. That if the SDCRAA finds this ordinance consistent with the Airport Land Use Compatibility Plans (ALUCP) for Marine Corps Air Station (MCAS) Miramar, Gillespie Field, Montgomery Field, and Brown Field Airports, this ordinance shall take effect and be in force as of the date of the finding of consistency by the SDCRAA Board, provided that and not until at least 30 days have passed from the date of final passage, except that the provisions of this ordinance inside the Coastal Overlay Zone, which are subject to California Coastal Commission jurisdiction as a City of San Diego Local Coastal Program amendment shall not take effect until the date the California Coastal Commission unconditionally certifies those provisions as a local coastal program amendment.

Section 58. That if the SDCRAA determines that this ordinance is inconsistent or conditionally consistent, subject to proposed modifications, with the ALUCPs for MCAS Miramar, Gillespie Field, Montgomery Field, or Brown Field Airports, the ordinance shall be submitted to the City Council for reconsideration.

Section 59. That if the SDCRAA determines that this ordinance is conditionally consistent with the ALUCPs for MCAS Miramar, Gillespie Field, Montgomery Field, or Brown Field Airports, but that consistency is subject to proposed modifications, the City Council may amend this ordinance to accept the proposed modifications, and this ordinance as amended shall take effect and be in force on the thirtieth day from and after its final passage, except that the provisions of this ordinance as amended inside the Coastal Overlay Zone, which are subject to California Coastal Commission jurisdiction as a City of San Diego Local Coastal Program amendment shall not take effect until the date the California Coastal Commission unconditionally certifies those provisions as a local coastal program amendment.

Section 60. That a proposed decision by the City Council to overrule a determination of inconsistency or to reject the proposed modifications for a finding of conditional consistency shall include the findings required pursuant to Public Utilities Code section 21670 and require a two-thirds vote; the proposed decision and findings shall be forwarded to the SDCRAA, California Department of Transportation, Division of Aeronautics, and the airport operators for the MCAS Miramar, Gillespie Field, Montgomery Field, or Brown Field Airports; and the City Council shall hold a second hearing not less than 45 days from the date the proposed decision and findings were provided, at which hearing any comments submitted by the public agencies

shall be considered and any a final decision to overrule a determination of inconsistency shall require a two-thirds vote.

APPROVED: JAN I. GOLDSMITH, City Attorney

By Shannon M. Thomas  
Shannon M. Thomas  
Deputy City Attorney

SMT:als  
07/01/11  
07/14/11 COR.  
Or.Dept:DSD  
Doc. No. 186331\_2

I hereby certify that the foregoing Ordinance was passed by the Council of the City of San Diego, at this meeting of AUG 2 2011.

ELIZABETH S. MALAND  
City Clerk

By [Signature]  
Deputy City Clerk

Approved: 8.4.11  
(date)

[Signature]  
JERRY SANDERS, Mayor

Vetoed: \_\_\_\_\_  
(date)

\_\_\_\_\_  
JERRY SANDERS, Mayor